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# Annual Report 2012

"Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority."

Article 1 – German Basic Law

## **Human Rights in Germany Put to the Test**

An Interview with Beate Rudolf on the United Nations Human Rights Council's Periodic Review of Germany.

## **"Companies have Huge Potential to Promote Human Rights"**

To What Extent should Businesses Comply with Human Rights?

## **Protection against Racial Discrimination during Police Spot Checks**

The Practice of Racial Profiling Contravenes Human Rights.



German Institute  
for Human Rights

# Imprint

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# Foreword



## Dear Readers,

As the National Human Rights Institution, the German Institute for Human Rights has the task of contributing to the promotion and protection of human rights. It focuses on human rights issues in Germany and on the repercussions that German policy as well as the activities of key German players have abroad. National Human Rights Institutions support their country in implementing human rights and identifying problem areas and also offer policy advice. After all, an international human rights policy rings hollow if a country does not take a self-critical view of its own situation.

Application-oriented research and monitoring form the basis of our policy advice; other central pillars are human rights education, information, documentation and cooperation with European and international human rights bodies and institutions. This annual report presents concrete examples of how we fulfil these various tasks.

As in previous years, the Institute also addressed new human rights challenges in 2012. For example, it filed an expert opinion on the Counter-Terrorism Database Act with Germany's Federal Constitutional Court. Data protection was one subject covered in the Institute's reporting to the European Fundamental Rights Agency. The Institute also attends to the topic of "business and human rights", and contributed to the implementation in Germany of the United Nations Guidelines passed in 2011. With its new project "Lawyers for Human Rights and Diversity", the Institute aims to qualify lawyers to make use of international human rights conventions in German courts and to strengthen their competence in dealing with an increasingly diverse client base, so that all people in Germany have access to justice.

2012 saw a change at the Institute's management level. Dr. Claudia Lohrenscheit, who had headed our Department for Human Rights Education since the Institute was established, took up the newly created professorship for international social work and human rights at the University of Coburg. We welcome the growing significance of human rights education at German universities.

The Berlin Human Rights Day, organised for the first time by the Institute, focused on the topic of "inclusion"; it brought together relevant players from the government, associations and civil society, who took part in lively discussions on the human rights aspects of inclusion. In the future, the Institute plans to host human rights policy debates on a regular basis, because one of its key tasks is fostering a broad culture of human rights and human rights discussion.

We wish you an enjoyable and instructive read.

Prof. Dr. Beate Rudolf  
Director

Michael Windfuhr  
Deputy Director

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# 2012 in Review

January



**Follow up on the UN Social Covenant**

Poverty alleviation, healthcare, equal opportunities on the job market – Germany still needs to strengthen economic, social and cultural rights. That was clearly stated by the UN Committee on Economic, Social and Cultural Rights during the state reporting process in 2011. Reason enough for the Institute to meet representatives of seven German ministries to discuss how the pact can be better implemented.

February

**Debate with the German foreign minister**

Institute Director Beate Rudolf discussed the German government's new foreign policy guidelines with German Foreign Minister Guido Westerwelle. At the meeting in the Federal Foreign Office, Rudolf criticised the fact that human rights only figure as one of six points in the ministry's strategic concept, rather than playing the role of a binding standard by which these policy areas are measured.



March




**Criticism of database on right-wing extremism**

The planned introduction of the database on right-wing extremism sparked considerable controversy. The Institute also expressed doubts about whether the draft law for a database on right-wing extremists is in conformity with human rights and complies with the rule of law. The Institute voiced its criticism in a written statement for the public hearing on the law in the German parliament.

April

**Conference against forced disappearance**

People are arrested or kidnapped then taken to a secret location. Even established democracies are not immune to such cloak and dagger operations. To what extent is Germany also affected by forced disappearance? Just one of the questions broached at a conference held jointly by the Institute, the Nuremberg Human Rights Centre and the University of Erlangen-Nuremberg.



May




**Responsible land policy**

Good news for peasant farmers in countries of the South: the UN World Food Security Committee passed the **"Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security"**. The new guidelines provide orientation for the use and purchase of land and forests in conformity with human rights.

June

**The Institute on retreat**

For one day the Institute closed its doors and withdrew for an **"annual retreat"**. The goal: strengthening mutual understanding and constructive cooperation among the staff. Taking the achievements made to date as a starting point, creative techniques were used to develop strategies for the future – under the guidance of two external advisors.



July



Institute receives books from the Lottje estate

Around 300 books from the estate of human rights activist **Werner Lottje** were donated to the Institute. Lottje (1946-2004), former head of the policies and campaigns section of the German Protestant Church's Diakonisches Werk, supported the establishment of the Institute and played a decisive role in defining its work in its early years.

August

Online handbook against discrimination

The Institute published a new online handbook at [www.aktiv-gegen-diskriminierung.de](http://www.aktiv-gegen-diskriminierung.de). It offers an overview of national and international rights and participation opportunities in court and appeal proceedings, with concrete instructions and practice-oriented information.



September



1<sup>st</sup> Berlin Human Rights Day

The Institute invited the public to the first Berlin Human Rights Day. Discussions and speeches focused on the many facets of an inclusive society and the question: how can the human rights principle of inclusion be extended from persons with disabilities to other groups, for example migrants and the poor?

October

Arab-European Dialogue

The 7<sup>th</sup> Arab-European Dialogue of national human rights institutions took place in Algiers. Anna Würth, Head of the International Human Rights Policy Department, was on location for the Institute. The conference focused on questions of political participation. In their closing statement the institutions set themselves the task of promoting the right of political participation for women, among other goals.



November



Investigating the living situation of persons with disabilities

A proper examination of the situation of persons with disabilities is the key to a sound disability policy. In Germany too, there is still a lack of data on this. For that reason the National Monitoring Body on the UN Convention on the Rights of Persons with Disabilities called on the German government to collect data on the human rights claims of the disabled.

December

Stricter controls on weapons exports

While the federal government discussed sales of tanks to Saudi Arabia, the Institute called for stricter controls of arms exports, summarising its proposals for necessary monitoring reforms in six key points. The decisive criterion for the approval of weapons exports should be the observance of human rights in the importing country.





# Human Rights in Germany Put to the Test

The United Nations Human Rights Council regularly reviews the human rights situation in all UN member states. After undergoing the Universal Periodic Review (UPR) in 2009, Germany was reviewed for the second time in 2013. The Institute also accompanied this round with a critical and constructive eye. Anja Viohl spoke with Institute Director Beate Rudolf about the current state of human rights in Germany and the Institute's role in the UPR.



According to Institute Director Beate Rudolf, even after the last UPR Germany still has room to improve in several human rights areas.

**There are many examinations of the state of human rights in the UN member states. What is the "added value" of the Universal Periodic Review?**

The UPR is the only procedure in which all the states of the world are reviewed even-handedly. It gives an overall view of the human rights issues in a country and shows what problems are perceived as important domestically and from abroad. In addition every state, including Ger-

many, accepted the recommendations of the first round of the UPR, and now they must report on their implementation. A further point is credibility: only states that deal self-critically with the Human Rights Council's review can credibly criticise human rights violations in other countries.

**After the first review in 2009, the UN Human Rights Council made a series of recommendations on the human rights situation here. Has the German government done its homework?**

There is no single answer to that question. There is still room for improvement in important areas: one big topic in the last round was how to fight discrimination effectively. It can only be achieved when racism is not just narrowly understood as right-wing extremism. Another problem is the practice of ID checks where there are no grounds for suspicion, for example when the German Federal Police check train passengers for ID based on their skin colour. International human rights bodies agree unanimously that this is an act of racial discrimination. For that reason laws passed by Germany's federal and state governments which permit this practice should be abolished.

Another big issue in 2009 was the situation of people with migration backgrounds. Here too there is still need for further action. Just to give one example: undocumented migrants who are prey to modern forms of slavery, such as domestic workers, sex workers and construction workers, cannot effectively enforce their claims for wages and compensation. When they institute proceedings, the court is obliged to notify the immigration authorities, and then they face the threat of deportation. Consequently, such mandatory notification is unacceptable from a human rights perspective.

### Are there other major deficits?

Another problem area is investigations into allegations of police brutality. The German government rejected the recommendation that it set up independent bodies to handle complaints of police brutality. Since 2009 other UN bodies, the Institute and civil society organisations have pointed out that there is a need for action in this domain. Only a small number of complaints result in an investigation, and even fewer cases ever lead to a conviction. You cannot just dismiss that by saying that most of the accusations were false. The reasons are far more complex: for example because of a misunderstood *esprit de corps*, police officers hardly ever testify against their colleagues. Moreover, it is often the case that the accused officer cannot be identified. Here, mandatory identification of the kind recently introduced in some German states would help.



Session of the Human Rights Council in Geneva to review the human rights situation in Germany.

### Have there also been positive developments since the last review?

By all means. In 2009 Germany still rejected the recommendation that it should set aside its reservations on the Convention on the Rights of the Child. In the meantime it has now retracted them. We commend that. Another positive development is the coming into effect of the UN Disability Rights Convention. We hope that this year will bring recommendations for a better implementation of this important human rights convention, for example as regards inclusion in education and voting rights for persons with disabilities, as well as regarding compulsory medical treatment, detention and violence against women with disabilities.

### What role does the Institute play in the UPR procedure?

The UN Human Rights Council stipulates that national human rights institutions should submit reports of their own. In addition A-accredited institutions such as ours have speaking rights in the procedure. The idea is to bring an independent opinion into the procedure. One aim of our report is to ensure that the recommendations to Germany will be more concrete in this second round. The more specific the recommendations are, the better we can measure the progress made.

**In its report on the state of human rights in Germany the Institute also criticises the fact that the UPR procedure is still given insufficient political weight. How do you mean that exactly?**

**Prof. Dr. Beate Rudolf**  
is Director of the  
German Institute for  
Human Rights.



What has been lacking up to now is high-level political coordination on the implementation of the recommendations. The German parliament has also not monitored the process systematically. There has been no major public debate on the recommendations or how to implement them. In our view it is time this changed.

#### What would a better implementation process look like?

The Human Rights Council recommends a mid-term review after about two and a half years. Another way would be for the committees in the new parliament to deal regularly with the implementation of the recommendations. In particular,

there should be a high-level coordinating body. The decision on the adoption of the recommendations in September 2013 is a chance to put human rights policy in Germany on a solid basis. For that reason from our perspective it is important that civil society should be included in debate in a timely manner.

#### How do you evaluate the review of Germany in the Human Rights Council in April 2013?

The statements made by the states in the session show that Germany's commitment to human rights is internationally recognised. That should be an incentive for the federal government also to play an exemplary role in its decision to adopt or reject recommendations. Only a few states made use of the opportunity to formulate concrete recommendations. This was most often the case with the key problem areas I have just mentioned. Where it was not the case, Germany should not just accept the recommendations on a general basis: it should commit itself to concrete steps. Only in this way can there be a meaningful review in the next round of the UPR.

### The review of Germany under the UPR: a timeline

**June 2012:** In its news brief "Aktuell", the Institute brings members of the German parliament up to date on the procedure and makes recommendations on strengthening parliament's direction and control functions in the UPR.

**October 2012:** The Institute and German NGOs submit their reports on the situation of human rights in Germany to the Office of the High Commission for Human Rights.

**23 January 2013:** The federal government submits its report on the human rights situation in Germany.

**25 March 2013:** Public event in Geneva hosted by the organisation "UPR Info", with interested governments, the Institute and NGOs that have submitted reports on the human rights situation in Germany.

**25 April 2013:** Review of Germany during the 16<sup>th</sup> session of the UN Human Rights Council's Universal Periodic Review Working Group.

**29–30 April 2013:** A group consisting of three states (the troika) compiles a report on the session of the UPR Working Group with recommendations to Germany.

**19 September 2013:** Germany's statement on the recommendations (adoption or rejection).

**October 2013:** Adoption of the report on the Universal Periodic Review of Germany in the 17<sup>th</sup> session of the Human Rights Council.



# Barriers to Voting Rights for Persons with Disabilities

On 22 September 2013, more than 60 million Germans are once again called on to go to the polls and cast their ballots for the German parliament and government. However not all persons with disabilities are entitled to vote. Leander Palleit, researcher with the Institute's National CRPD Monitoring Body, comments on barriers to voting for persons with disabilities.

People with disabilities should be able to vote and run for office just like any other citizen. This central requirement of the UN Convention on the Rights of Persons with Disabilities – as matter-of-course as it seems and as unanimously as it is affirmed by all political camps – is still not fully implemented in Germany. Not all electoral documents, polling stations and election rallies are free of barriers, and not all information that is important for making an informed choice is accessible to everyone with disabilities. In addition, some disabled people are still completely excluded from the right to vote, without any objective justification.



Persons with disabilities stand up for their right to barrier-free elections and political participation at Berlin's Brandenburg Gate in May 2013.

Encouragingly, many people in politics and the administration have become more aware of this problem, although opinions still vary widely on how to proceed and what priorities should be



**Dr. Leander Palleit**  
Researcher at the National CRPD Monitoring Body of the German Institute for Human Rights

set. To that extent it's heartening that things are starting to happen. For example standards for barrier-free polling stations are to be established and a study is to be compiled on the situation of disabled people who have hitherto been excluded from the right to vote, including those in need of constant care.

Nevertheless quick solutions must be found for some fundamental issues which can also be tackled without the results of an empirical study. This goes especially for the question of who should have the right to vote and who should not. Here, the German electoral law is not consistent with human rights. This problem cannot be put off any longer. There must be no more elections in this country in which people cannot participate equally because of their disabilities.

For that reason, the real challenge for legislators would have been to amend the German electoral law prior to the 2013 federal elections. Instead, this matter was put off until the next legislative period. As a result the electoral law continues to fall short of the demands of the UN Disability Rights Convention.



# “Companies Have Huge Potential to Promote Human Rights”

The subject of business and human rights is highly topical today. What are working conditions like in the supply chain? What environmental repercussions can production facilities or new investments have? Do people lose their access to clean drinking water when businesses move in? For some time now such questions have not only been of interest to ethical consumers. Businesses are also looking into the advantages of complying with human rights standards. A significant number of them have taken up the UN Guiding Principles on Business and Human Rights – the so-called Ruggie Principles – passed by the UN Human Rights Council in 2011. They see these principles as an important framework for aligning their activities more closely with human rights. Since 2012 the Institute has also been active in this area, in association with other European national human rights institutions.



The task of tour operators and the goal and right of ethnic groups like the Mursi in Ethiopia: sharing the benefits of tourism in their region.

With the Guiding Principles on Business and Human Rights worked out by UN Special Representative on business and human rights John Ruggie, the first global framework for implementing the state's obligation to protect its citizens and businesses' responsibility to respect human rights was created in 2011. The Ruggie Principles rest on

the three pillars “Protect, Respect and Remedy”. In the context of a process of “due diligence”, companies are to assess their internal working conditions, suppliers, business partners and land acquisitions in terms of their compliance with human rights, and in this way avoid violating the rights of others.

The Institute started its own work in the area of “human rights and business” in 2012, with an eye to the implementation of the Ruggie Principles. The goal of one of the projects in this area, supported by the German Ministry for Economic Cooperation and Development, is to establish national human rights institutions as competent agents in monitoring the practices of private businesses and advising state institutions that supervise these companies. Cooperation with national human rights institutions in the countries of the South plays a central role in this process.

The following example illustrates the impact that work in the area of human rights and business can have. Among other topics, the project looks into the question of the significance of the human rights framework for individual business sectors, in this case tourism. With the application of the UN Guiding Principles, new challenges and human rights requirements arise for policies on tourism and other relevant fields, as well as for companies in the tourism sector, namely sustainable tourism and the right to self-determination of indigenous groups.

One example: with their special traditions and body ornaments, the Mursi in southwest Ethiopia are of particular interest for travellers. However, the majority of Mursi have hardly benefited at all from the growing photo tourism. So far relatively few have received money from tourists for the right to take photos. In addition, tour guides

from other regions of the country attempt to take commission from the Mursi. The growing competition for tourism revenues increasingly leads to conflicts. This situation also generates aggressive behaviour on the part of the Mursi, which the visitors find unpleasant. Language barriers on both sides impede communication between the indigenous population and the tourists.



The lack of involvement of indigenous groups in the tourism industry in their region is one of many obstacles to the development of sustainable tourism in conformity with human rights. To avoid encroaching on the right to self-determination of indigenous groups, businesses have the responsibility to involve local populations in creating and shaping forms of sustainable tourism.

This is just one of many issues that the study trip organiser Studiosus, for example, has addressed

### What are the Ruggie Principles?

The Ruggie Principles, drawn up in 2011 by the UN Special Representative for business and human rights, John Ruggie, provide detailed guiding principles for the human rights responsibility of businesses for the first time. They are based on the three pillars “Protect, Respect and Remedy”.

In the context of a process of due diligence, companies are to assess their internal working conditions, suppliers, business partners and transactions such as land purchases to determine whether they comply with human rights. The principles are based on voluntary commitments. To give them greater binding force, states are called on to establish mandatory regulations.

UN Special Representative for business and human rights **John Ruggie**



Michael Windfuhr, the Institute's Deputy Director.

since it declared "socially responsible and ecologically sound tourism" as one of its five paramount corporate goals. In the case of the Mursi, the company sought joint solutions to grievances in the context of a discussion forum involving all the different parties, including the authorities. It also supports a mobile school.

### **Ruggie: New impulses for socially responsible corporate management**

The Ruggie Principles can provide companies with a starting point and raise their awareness of human rights issues. Since 2011 the topic of business and human rights has played an even greater role at Studiosus, where considerable effort has been put into systematically integrating structures for socially acceptable tourism in conformity with human rights into the management process. "Ruggie is quite demanding of companies. He extends the range of factors they should evaluate to the entire business," says Michael Windfuhr, the Institute's Deputy Director. For tour operators this means that neither their own company nor their business partners may violate rights in any way, Windfuhr explains. "For example when hotels draw so much water that the rest of the village has no access to drinking water,

tour operators must act. Or when fishermen cannot access the beaches they traditionally use for their fishing trips because a new hotel complex is being built there, that also constitutes a human rights issue and must be examined to find a suitable solution."

Studiosus, too, faced – and still faces – particular challenges in implementing the Ruggie Principles. "At first we had to analyse the human rights situations in all of the 120 countries where we operate to identify which areas we wanted to focus on. Then it was a matter of talking and negotiating with our partners and other players on location," says Ruth Hopfer-Kubsch, in charge of quality and sustainability management and social responsibility at Studiosus.

### **Fair working conditions in countries with low human rights standards**

Ruggie makes it clear in his principles that the parties obliged under international law to implement human rights are primarily individual states. They must create and push through clear framework conditions for the protection of human rights. The problem: many countries where large multinational companies are active as producers or service providers do not have a functioning state that is governed by the rule of law or minimum human rights standards. Or they do not dare impose standards on companies out of fear that they could take their money elsewhere. "That is what makes it so important for companies to become active: they have huge potential to promote and protect human rights," Windfuhr stresses.

### **Human rights commitment: Challenges and chances for businesses**

Consistent human rights protection is no easy task for companies. Studiosus, for example, works with 3,000 hotels, more than 100 agencies, 300 bus companies and more than 25 shipping companies around the world. In practice this means sensitising local business partners to human rights issues and imposing contractual conditions. This concerns for instance the working conditions of



hotel staff, shipping personnel and bus drivers, or in other words appropriate pay, working hours and rest period regulations that are oriented to the ILO's core labour standards. "That means for example that hotel staff receive written contracts stipulating a wage that can ensure their livelihood," Hopfer-Kubsch explains. "We have been working together with our partners in many countries for a considerable length of time, and these topics were nothing new. As a result, many contracts came back signed," she says.

But that does not work all the time or everywhere. Often Studiosus's demands were not all that easy to meet, Hopfer-Kubsch admits. "We make an effort to talk with everyone involved. We are still at the start of this process." The crux is to find transparent and effective control mechanisms for ensuring that the agreements are adhered to. "One problem is that although we have drawn up our contracts and had them signed, we cannot check in every case whether and to what extent local working contracts are complied with, for example." Hopfer-Kubsch still cannot say if having a business policy in conformity with human rights will make the company more attractive to customers – and so more competitive – as the whole process is still in its initial stages. "In the coming years we will see just what our customers think of this."

No "human rights greenwashing"

In this context Windfuhr believes the German government must do more to help develop appropriate standards to guide companies in the area of business and human rights and help with the development and appraisal of implementation criteria.

Many businesses based in Germany are active in countries where human rights are not consistently implemented, Windfuhr points out. At the end of 2011 the European Commission called on all EU member states to prepare national action plans on the implementation of the UN Guiding Principles. "Unfortunately in Germany it still is not clear which ministry will be in charge of the implementation. Britain, for example, is way ahead in this respect," Windfuhr emphasises. "We at the Institute are committed to having the issue of business and human rights pursued seriously, and not just for purposes of 'whitewashing' or 'human rights greenwashing'."



Ruth Hopfer-Kubsch, responsible for quality and sustainability management and social responsibility at the travel operator Studiosus.

The special role of national human rights institutions

In Ruggie's view, the task of national human rights institutions like the German Institute for Human Rights is to review how states implement the Guiding Principles, advise business players, and document progress and problems. For that reason the Institute invited the members of the European Network of National Human Rights Institutions to Berlin in September 2012 for the "Business and

Human Rights" workshop, with an eye to developing a common strategy in this domain (see p. 49). Together with other organisations, the Institute also published a handbook entitled "Menschenrechte achten!" (Respect Human Rights!). The Institute is now developing research and policy advice in the area of business and human rights as a new field of activity.



# “The Courts Play an Important Role in the Implementation of the Disability Rights Convention”

The significance of the UN Convention on the Rights of Persons with Disabilities (CRPD) cannot be stressed strongly enough. It is a binding instrument for the equal treatment of persons with disabilities, and has been valid in Germany since 2009. As key legal bodies, how do the courts deal with the convention's provisions? Anja Viohl spoke with Peter Masuch, President of the Federal Social Court, and Valentin Aichele, Head of the National CRPD Monitoring Body.



Dr. Valentin Aichele heads the National CRPD Monitoring Body.

**When the UN CRPD came into force this was a big step for the rights of persons with disabilities. Why?**

**Peter Masuch:** The convention became binding law. It must be observed just as much in the interpretation of fundamental rights as in concrete legal claims, for example in social law.

**Valentin Aichele:** The convention clarifies that disability is a human rights issue and that the state has specific obligations in this area.

**The UN CRPD came into effect in 2009, but it still has not been fully implemented. What difficulties do you see?**

**Aichele:** There are still major hurdles that prevent persons with disabilities from exercising their rights in practice, as others do. So far, the record has been very mixed. And in such a situation the courts play a big role in the implementation of the CRPD. Mind you, a whole new set of difficulties crops up in court.

**Herr Masuch, what challenges does the CRPD pose for the courts? Do you agree that it is still difficult for people with disabilities to enforce their rights?**

**Masuch:** Having a right is one thing, being proved right in court is another. The German courts still need to clarify whether the Convention gives rise

to enforceable rights in relation to all the different situations disabled persons face.

**Aichele:** We at the Monitoring Body keep a constant eye on judicial practice. The good thing is that courts in Germany deal with the CRPD far more often than with other UN human rights conventions – although the number

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“There are still barriers that prevent people with disabilities from exercising their rights.”

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Valentin Aichele

of cases is still limited. For its part the Federal Social Court is very open in this regard and has a positive impact. In general, however, the courts – especially the administrative courts – tend to have problems correctly assessing the legal impact of the convention.

**Can you be more specific?**

**Aichele:** The courts seem to have particular difficulty determining the priority and the content of the rights guaranteed, and reflecting this adequately in their decisions. For example they are often completely in the dark about how the CRPD ties in with other human rights conventions or about the sources of fundamental legal principle, for example the General Comments of the UN Treaty Bodies. That also goes for public authorities. The result has been a series of problematic decisions, which were then taken up by other courts in an unconsidered way, consequently weakening the Convention and the rights of persons with disabilities.

**Can you give an example?**

**Aichele:** The following example comes from the area of education: a 2009 decision by the Higher Administrative Court of Hesse negated the legal right of persons with disabilities to inclusive education and the related right to the concrete modification and adaptation of services provided by existing structures in specific cases. Such a decision is not conducive to the development of an inclusive education system. Certainly in our view, the right to inclusive education is in part legally enforceable.

**Mr Masuch, what cases reach the social courts?**

**Masuch:** The courts now refer to the CRPD in numerous cases. I will give you two current examples: Article 16, paragraph 4 of the CRPD calls for appropriate measures for victims of violence or abuse. The Senate of the Federal Social Court, which is responsible for social compensation law,



President of the Federal Social Court since 2008, **Peter Masuch** is a board member of the Federal Association Lebenshilfe.

has taken account of this norm as an aid in interpreting the definition of the term “income” in the Asylum Seekers Benefits Act. This has led to the basic pension received by victims under the German Crime Victims’ Compensation Act not being regarded as income under paragraph 7 of the Asylum Seekers Benefits Act. Accordingly it does not have to be depleted before the onset of benefits pursuant to this act. Another example: The Superior State Social Court of Baden Württemberg stipulates in discretionary decisions regarding the purchase and disability adaptation of a passenger car that the right to personal mobility according to Article 20 of the CRPD must be respected.

**What impact does the UN CRPD have on the practices of the social courts?**

**Masuch:** The Convention concerns all areas of life of persons with disabilities. Consequently, its impact also extends to all areas of social legisla-

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**“Raising judges’ awareness is an ongoing concern.”**  
**Peter Masuch**

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tion. That includes entitlement to healthcare as well as to medical or professional rehabilitation, for example. The right of the disabled to adequate support plays a large role in the CRPD. The question is: what are the consequences for basic social security for older persons or those with reduced earning capacity?



Inclusive learning as demanded by the UN CRPD, here in a primary school in Neuss.

**The CRPD confirms human rights, but it has the status of a federal law. In which cases must the convention be referred to?**

**Aichele:** I would say: "Whenever necessary". That goes for all cases in which human rights claims cannot be sufficiently guaranteed without recourse to the Convention. Since it came into effect in Germany the Convention can be applied across the entire breadth of its provisions. The Convention is a high-level benchmark for legal interpretation. Moreover, individual provisions can also form the basis for judicial decisions. That is not always sufficiently recognised. One hindrance in particular is the notion – still widespread in the administrative courts – that even after being ratified in 2009 the Convention still requires a so-called implementation or transformation act. That is incorrect. Nothing more needs to be done for the Convention to be applied.

**Mr Masuch, do you share this assessment? And if so, in which cases is it "necessary" for a court to have recourse to the Convention?**

**Masuch:** Yes, I share Mr Aichele's point of view. With its ratification the UN CRPD was transposed into German law. One inevitable consequence of this, however, is also that legislators on the federal and state level have been obliged to adopt all appropriate legislative measures for the implementation of the rights recognized in the Convention, according to Article 4, paragraph 1, letter a of the CRPD. From a legal point of view the CRPD is the first step on a long journey. The courts, which are bound by law and statute, must always respect – and consequently implement – the regulations set out in the CRPD when they rule on the circumstances of people with physical, mental or sensory impairments.

**How can the UN CRPD attain greater importance in administrative and judicial practice?**

**Masuch:** I will give one concrete example. The Federal Social Court has worked out its own action plan for the implementation of the UN-BRK, aiming to increase awareness for persons with disabilities and to promote respect for their rights and dignity. I consider this action plan a measure for encouraging a broadminded attitude concerning the rights of persons with disabilities. This goes for everyone; raising judges' awareness of this issue is also an ongoing concern.

**Aichele:** There have to be more regular training opportunities for members of the administration and the judiciary. These programmes can be specially tailored to the UN Disability Rights Convention, and the CRPD can also be dealt with in the context of general courses. Guidebooks and other tools for explaining the significance of the convention in judicial interpretation are also helpful. Moreover, administrative rules and regulations must offer judicial staff guidance on how decisions are to be taken in certain instances to ensure that the rights of persons with disabilities are appropriately respected.



# Civil Society Consultations: Sharing Experiences in a Secure Environment

Three times a year, the National CRPD Monitoring Body invites organisations active in disability policy areas to Civil Society Consultations at the Institute, in a bid to foster the exchange of information and experiences between civil society and the Monitoring Body. Cathrin Kameni, Assistant to the Head of the National CRPD Monitoring Body, is responsible for organising the event.

The time for the Civil Society Consultations has rolled around once again. Cathrin Kameni's telephone rings even more often than usual. Now it is time to put together the agenda and other documents and publications for the participants, arrange the catering for the day-long meeting and above all make sure it all takes place free of barriers. „We aim to provide an inclusive format at the event,“ Kameni says. That means for example booking a sign language interpreter, planning seating arrangements in case some participants are in wheelchairs and laying out documents in large print for the visually impaired.

Since the Monitoring Body was established roughly four years ago, the Civil Society Consultations have been hugely popular. „We started out with 20 participants, now there are almost 40,“ Kameni says. As a matter of principle the Consultations are open to all independent civil society organisations that work for the implementation of the UN Disability Rights Convention. Organisations dependent on the German government are not present. „The event seeks to provide associations with a secure environment for discussions. No recordings are made. The participants can speak their minds as freely as they please,“ Kameni explains. There is no similar event that hosts such a diverse mix of organisations, she says.

Cathrin Kameni already knows many of the participants, but there are always a couple of new faces. Kameni is also responsible for looking after



Clearing up details before the Civil Society Consultations: Cathrin Kameni organises the meeting.

the guests when they arrive. That includes for example making name signs for unregistered participants on the spur of the moment, leading blind people to their seats and reading them the hand-outs prepared that very day.

During the meeting the most disparate views often vie with each other for prominence. „The idea is to exchange positions, develop a mutual understanding of the UN CRPD, find common ground, network and possibly build alliances,“ Kameni says. There are a huge number of things to discuss, and talks continue on an informal basis during the breaks and at the end of the day. The consultations are also a very important source of information for the Monitoring Body. „We learn what people with disabilities and the organisations that represent them really have on their minds,“ Kameni says.



# A Full Agenda for the Rights of Older Persons

Older persons often face discrimination, a lack of social security, neglect or physical violence. Consequently their rights must be better protected. A working group at the UN General Assembly deals with the rights of older persons – Claudia Mahler participated in the third meeting in New York in the summer of 2012.



According to the UN Working Group, respect for the human rights of older persons should be a central issue.

Early riser, observer, advisor, expert, lobbyist: Claudia Mahler wore several hats at the meeting of the UN Open-ended Working Group on Ageing (UN OEWG). The Institute's Senior Researcher for Economic, Social and Cultural Rights took part in the working group's third session since it was established in 2010.

The goal of the meeting was to analyse the situation of older persons and raise awareness of the different risks they face, using examples from every region of the world. In focus were topics like discrimination against the older persons, healthcare, living in dignity, social security, neglect and violence. In addition, the roughly 150 government and civil society representatives dealt with the question of how gaps in human rights protection for older persons can be closed:

with a special rapporteur or with a separate UN Convention on the rights of older persons?

## Human rights institutions – an important voice for the rights of older persons

Claudia Mahler took part in the conference as an expert with the delegation of the German Foreign Office. "National human rights institutions bring with them an enormous expertise and are an important voice in the protection of older persons," she says. For its part, the German Institute for Human Rights has been researching and advising on economic, cultural and social rights issues for many years.

Among others, these issues include access to the job market, healthcare and care facilities ori-

ented to the respect of human dignity. "In Germany the situation of many older persons in need of care is precarious: often decisions are taken about them without respecting the needs they express," Mahler stresses.

**Making every minute count**

Claudia Mahler's agenda was tightly packed in New York. After getting up, the legal expert read through the stack of documents from the previous day and prepared her next discussions. Then it was already time to head off to the United Nations Plaza, coffee in hand. Following the speeches in the Plenum took up most of her time – but the breaks between the speeches were at least as important.

"When I had a free minute I got copies of the numerous background papers and set up informal talks," Mahler says. As the representative of a National Human Rights Institution (NHRI) she did not have speaking rights, but among other things she used her presence at the meeting to forge even better ties with the NGOs: "Our common goal is to secure the best possible protection for the rights of older persons



**Claudia Mahler**  
Senior Researcher  
for Economic, Social and  
Cultural Rights, Depart-  
ment of Human Rights  
Policies Germany / Europe

by means of a UN convention." In addition she gained an overview of how the human rights of older persons are implemented in Latin America. According to Mahler the GRULAC (Group of Latin American and Caribbean Countries) states are breaking new ground when it comes to developing regulations in their national protection systems.

**Position of the Institute strengthened**

In the course of the four days Claudia Mahler heard some rather harrowing accounts of the living conditions endured by older people. In northern Tanzania, for example, as one conference participant reported, older women without families of their own are often suspected of being witches and expelled from the community. The women are then exposed to physical violence or must even fear for their lives. "Many states still lack adequate national laws for the protection of older persons." But the EU speaks with only one voice in the Working Group, and the majority of EU states rejects a convention for older persons, Mahler laments.

As the third meeting of the UN OEWG in New York draws to a close, Claudia Mahler takes positive stock of the sessions: the German Institute for Human Rights was appointed the contact organisation for the European network of NHRIs on the topic of human rights for older persons. In addition, at the Working Group's most recent meeting in August 2013, it was stressed that national human rights institutions should obtain speaking rights. That being the case, the Institute and its partner institutions would for the first time have a say in New York and could campaign for the human rights protection of older persons in an official capacity.



Meeting of the UN Open-ended Working Group on Ageing in New York in 2012.

# “We Side with Human Rights”

International human rights conventions must not only be ratified, they should above all be applied in the dispensation of justice. Only then will they have an effect. One of the Institute's fundamental tasks is to do more to bring international obligations to bear in Germany. To fulfil this mandate, in 2012 the Institute increasingly made use of a legal means that is relatively unknown in Germany: expert opinions for courts in ongoing trials. Petra Follmar-Otto, Head of the Human Rights Policies Germany / Europe Department, spoke with Anja Viohl about the Institute's so-called *amicus curiae* briefs.



Hearing of the German Constitutional Court on the Asylum Seekers Benefits Act in June 2012: the Institute submitted an *amicus curiae* opinion on the case.

**The Institute submitted an *amicus curiae* brief in four cases in 2012. Just what does that mean?**

“*Amicus curiae*” means literally “friend of the court”. An *amicus curiae* brief is submitted in judicial proceedings to assist the court in reaching a decision. Such an intervention is done on one's own initiative: in the case of the Institute, in order to enhance the human rights aspect in court proceedings.

**Does that mean the Institute sides with one of the parties?**

No, the opinions are not submitted in the name of or for one of the parties in the proceedings. We side exclusively with human rights.

**Why did the Institute decide to become active as an expert in legal proceedings?**

For three reasons: First of all we came to the conclusion that courts in Germany make little reference to the country's international human rights obligations. We consider it a task of the Institute to raise awareness of these obligations and their significance for legal proceedings in Germany, and we seek to encourage this with our expert opinions. The second reason is that structural problem areas with human rights in Germany can be distinguished very clearly in exemplary individual cases. Expert opinions in court cases give us the chance to point out human rights deficits. Thirdly, as the national human rights institution in Germany we have the task of helping to protect and promote human rights. And by develop-



ing the practice of intervening in individual cases we reinforce our protective function.

**The Institute submits expert opinions only in select cases – what criteria do you go by?**

We only express ourselves in proceedings that raise a structural human rights problem, above and beyond the case at hand. A further criterion is that the case has to deal with a pressing human rights concern, one that involves topics or regulations for which Germany has been repeatedly criticised by international human rights bodies and on which no changes have taken place. One example is benefits under the Asylum Seekers' Benefits Act. The United Nations Committee on Economic, Social and Cultural Rights has recommended three times in a row that the legal provisions for lower benefits and benefits in kind for asylum seekers be revoked. In the proceedings before the German Federal Constitutional Court, we submitted an amicus curiae brief stressing the demands and validity of the UN Social Covenant. And a third criterion is that, keeping in mind our special function of bringing international obligations to bear in Germany, we select such cases in which requirements clearly set out in international law have been unambiguously violated.



**Dr. Petra Follmar-Otto**  
heads the Department  
of Human Rights Policies  
Germany / Europe

**And how successful have you been? Do you think your expert opinions have had the desired effect?**

Altogether our experience has been very positive. Legal education in Germany tends to pay relatively little attention to international human rights obligations, so there is not a very broad pool of knowledge about them.

For that reason it can prove essential to introduce into proceedings aspects ensuing from the obligations of international law either as immediate, subjective claims or as interpretation requirements for German law. Even in proceedings where the courts did not make use of them, our expert opinions have allowed us to create points of reference for other cases: for example when other lawyers adopt our positions in their argumentation.

**Expert opinions by the Institute in judicial proceedings in 2012**

The Institute took a stand for human rights and submitted expert opinions in four cases.

- 1. Protection against racist discrimination, Higher Administrative Court of Rhineland-Palatinate:** trial concerning police ID checks based on the external feature "skin colour" (see p. 22).
- 2. Counter-Terrorism Database, German Federal Constitutional Court:** hearing on the so-called Counter-Terrorism Database Act for the creation of a standardised central counter-terrorism database by police agencies and intelligence services (see p. 26).
- 3. Human right to social security, German Constitutional Court:** hearing on the Asylum Seekers Benefits Act. The Institute held that the law

infringes on fundamental and human rights as it does not give sufficient social protection to the groups covered by the regulations, such as asylum seekers. The court ruled in favour of increasing benefits for asylum seekers.

- 4. Liability of companies for human rights violations, US Supreme Court:** the Institute submitted an amicus curiae brief on the lawsuit of the Ogoni people (Niger Delta) against the oil company Royal Dutch Petroleum for damages pursuant to its involvement in crimes against humanity. The Institute regrets the US court's dismissal of the action in 2013: this is a missed opportunity to strengthen help from third countries in civil proceedings dealing with serious human rights violations.



# Protection against Racist Discrimination during Police Spot Checks

How do German Federal Police officers proceed in airports, train stations, trains and in border areas when checking people's ID? In 2012 a case became public in which, by their own admission, police officers used "skin colour" as a selection criterion for their spot checks. This practice, known as racial profiling, is incompatible with human rights, and so the Institute took a stand on the case.



Federal police officers checking passengers' identification on a train: spot checks to control migration are often carried out on the basis of external features.

EA student takes the train from Kassel to Frankfurt. Two officers of the German Federal Police walk down the aisle, looking for people who are unlawfully in Germany. They ask the student to show his identification. Later one of the officers admits that the plaintiff "was checked because of his skin colour".

## Many cases never come to light

Police checks of this kind are not the exception but a daily experience in Germany for many black people, for example. Through police practices

they are marked as suspicious and are criminalized. Most cases go unnoticed or cannot be verified in court: there is insufficient evidence that the people were checked solely because of their external features. However the case in which one of the officers named "skin colour" as a selection criterion for spot checks took a different course. This statement became the basis of a trial before the Koblenz Administrative Court over whether spot ID checks by the German Federal Police were discriminatory and violated basic rights. The judges of the court of first instance ruled that the actions of the police were not discrimination.

■ [www.institut-fuer-menschenrechte.de/en/topics/protection-from-racism](http://www.institut-fuer-menschenrechte.de/en/topics/protection-from-racism)

### Successful appeal against discriminatory ID checks

The student then decided to appeal. In proceedings before the Higher Administrative Court of Rhineland-Palatinate he argued that he had been subjected to racist discrimination by the Federal Police during the spot check. The Institute assessed the case as being of fundamental significance for the protection against racist discrimination in Germany. It pointed out in an amicus curiae brief that basing police spot checks on ex-

ternal features such as "skin colour" constituted illegal racial discrimination (see also p. 20).

The Higher Administrative Court agreed with this assessment. It ruled that the practice of racial profiling is incompatible with the German Basic Law. The lawsuit thus sent an important signal against discriminatory spot checks. The Institute now sees the German government as obliged to ensure that this practice is no longer used by the German Federal Police.

## Spot ID checks without concrete grounds for suspicion should no longer be permitted

**How can racial profiling be prevented in the future? Are the authorities even aware of the problem?**

You cannot generalise here. Things at least seem to be beginning to change in a few German states and in the German Federal Police force. However there is no sign that the necessary fundamental systematic changes in structure and mentality are taking place in Germany, which is after all a country of immigration. For example thought patterns that work on the assumption of "ethnically based crime" still seem to be widespread in the profiling of potential criminals. Much effort is required to bring about a change of attitude: we need long-term, sustainable strategies in which the government and lawgivers on the federal and state levels play a central role. They must tackle these tasks.

**What can be done to stop the practice of racial profiling in police spot checks?**

Laws empowering federal or state police to carry

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Researcher, Department  
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Germany / Europe  
focusing on migration,  
racism and children's  
rights



out personal checks to control migration where there are no concrete grounds for suspicion must be abolished. Such regulations are based on a discriminatory practice, although this is inadmissible from the perspective of fundamental and human rights.

**What else needs to be done to deal with this problem?**

The principle of non-discrimination based on fundamental and human rights must be firmly and sustainably anchored in the work of the police. More must be done to raise awareness of human rights and to integrate this awareness into police work. The topic should be adequately dealt with in the training and continuing education of police officers. The deployment plans and strategies of the police authorities must be reviewed accordingly. Police officers must be enabled to carry out their official duties without resorting to discriminatory profiling.

Interview: Anja Viohl

# UN Security Council: “Small Reform Steps Are Realistic”

More than 90,000 people have been killed in the Syrian civil war since 2011, according to the UN. In 2012 too, political solutions to the conflict were conspicuous by their absence. The UN Security Council has also been a target of criticism in this context. So far the Council's 15 members have not been able to issue a joint resolution for an intervention that could put an end to the killing and violence in the country. So Syria is far from providing an example of effective action on the part of the Security Council against massive human rights violations. How important are human rights for the body? Anja Viohl spoke with Wolfgang S. Heinz, Senior Policy Advisor responsible for international security policy at the Institute.



Dr. Wolfgang S. Heinz has been at the Institute since 2001. The expert on international security policy and the United Nations was chair of the UN Human Rights Council Advisory Committee.

**When you look at the violence in Syria, doesn't the Security Council's failure to act show that human rights play at best a secondary role in its decisions?**

It is more a question of what decisions you can expect. The Security Council is first and foremost responsible for reacting to threats to, and breaches of international peace and security. Human rights violations in themselves do not give it the right to impose sanctions or intervene militarily. Only when such violations are severe

enough, that is when they represent a threat to world peace, can it take that sort of decision. And then it must be backed by a majority of nine members, including the five permanent members. Such decisions are made politically along lines of national interest, not according to generally accepted political or legal criteria. For that reason in the case of Syria there are opposing views on sanctions or even military intervention in the country. But in any event, human rights considerations do play an increasingly important role in the Council's decisions.

**In which domains for example?**

The UN's failure to respond to severe human rights violations in the 1990s – above all the mass rapes and “ethnic cleansing” in the former Yugoslavia and the genocide in Rwanda – has given more prominence to human rights considerations. They are cited far more frequently in Security Council resolutions, including as a justification for intervention in particularly difficult situations. And they are now accorded far greater prominence in discussions between states. Consequently, there is a growing readiness to consider resorting to intervention in the severest cases of human rights violations. In recent years the political concept of a “responsibility to protect” has entered discussions. That entails every state being responsible for protecting the security of its population. If it cannot, it should ask other states for help. In cases where both are not forthcoming, the Security Council should discuss intervention, including

with military means, on the basis of human rights considerations. It should be said however that the responsibility to protect is subject to controversy between countries of the South and the West. Until now the Security Council has only expressly applied it in just a few resolutions, for example that on Libya.

**In your view, what reforms are realistic in order for the Council to react faster, more forcefully and more systematically to severe human rights violations?**

For now if anything it is realistic to expect small reform steps – short of an amendment to the UN statutes. These steps could include enhanced exchange of information on the part of the Security Council with the UN member states and other players. In addition to the Council's confidential, closed sessions, since the 1990s it has been informing other states more extensively about its activities because it needs their cooperation. In peace missions, for instance, it is constantly dependent on other states sending in soldiers, police and civil experts. And the members of the Security Council have developed a possibility for listening to the information by human rights organisations. That opens up new prospects.

**There have also been repeated calls for closer cooperation between the Security Council and the UN Human Rights Council. What form must such cooperation take to be constructive and productive?**

Closer cooperation is important because the two organs often work largely independently of each other on the same country. The Human Rights Council frequently sends experts to a country with which the Security Council is also concerned. How can the information gathered by them be communicated more quickly and more systematically to the Security Council? Such cooperation could help the Security Council to take faster action in cases of severe human rights



The UN Security Council deliberates on the humanitarian situation in Syria, August 2012.

violations, for example. The fact-finding commissions employed by the Human Rights Council for Syria and Libya are a step in the right direction. The Security Council should systematically invite the representatives of such fact-finding commissions as well as special rapporteurs on specific countries and the High Commissioner for Human Rights in order to profit from their insights.

**In 2012 Germany was represented on the Security Council as a non-permanent member. Was it able to make its voice heard on human rights issues?**

Germany played a positive role and was active regarding numerous topics. For example it initiated an important resolution on the protection of the civilian population. This reminds states that hospitals and schools may not be the targets of attacks in armed conflicts. And Germany was also active regarding Afghanistan, as well as in the country discussions on Libya and Syria. Granted, Germany's abstention on the Security Council's resolution on Libya – resolution 1973 on the military protection of the civilian population – was the subject of criticism both at home and abroad. When it leaves the Security Council, Germany should campaign for more systematic cooperation between the two bodies as a member of the Human Rights Council.



# The Counter-Terrorism Database – A Threat to Fundamental Rights

For years there has been a major controversy surrounding the so-called Counter-Terrorism Database (ATD). What some see as an effective instrument for combating international terrorism is considered by others to be incompatible with fundamental rights. The Institute, too, doubts whether the provisions are in conformity with human rights, and stated its position during the Federal Constitutional Court's hearing on the Counter-Terrorism Database Act (ATDG).



The First Senate of the Federal Constitutional Court commences the oral proceedings on the Counter-Terrorism Database. The Institute's Beate Rudolf and Eric Töpfer were also present.

The ATDG came into effect at the end of 2006. Almost six years later it was subjected to review: after a former judge lodged a constitutional complaint, the oral proceedings took place in November 2012 before the First Senate of the Federal Constitutional Court – in the presence of Federal Minister of the Interior Hans-Peter Friedrich as well as high-ranking officials from the intelligence and police agencies.

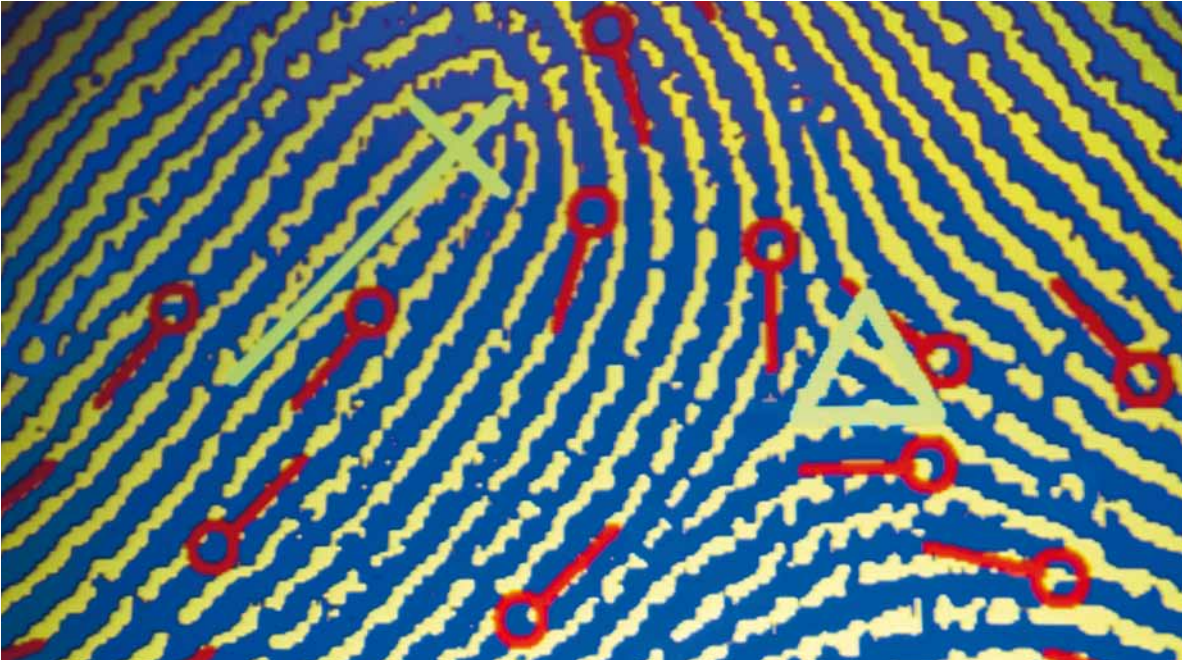
## The Institute in Karlsruhe

Director of the Institute Beate Rudolf and Eric Töpfer, senior researcher on the subject of security, followed the proceedings from the second row. At the invitation of the court, they had come

to present the Institute's constitutionally based objections to the exchange of information between police and intelligence services foreseen in the ATDG. Rudolf called on the judges to declare the act null and void: "The constitutional state proves its value by respecting human rights, also in the fight against terror," she stressed.

## Erosion of personality rights

Ever since its inception the Institute has worked to stop the process that is eroding the separation of information gathered by the police and the intelligence services in the context of the fight against terrorism: the growing exchange of data intensifies the encroachment on the private and



Fingerprints are also among the data stored in the Counter-Terrorism Database.

personal sphere, while the lack of proper supervision of this process violates the mandatory legal protection of those concerned – including the innocent relatives of suspects. Their rights to be given access to the gathered data and to have it corrected or deleted often come to nothing.

Persons who have been under the surveillance of intelligence services have in some cases spent years fighting legal battles to learn which authority has stored what information about them, and who has access to that data. Expanding the obligation for police authorities and intelligence services to share information, as laid out in the ATDG, is therefore an extremely questionable measure. The affected parties could suffer unexpected disadvantages as a result, for example if they are subjected to security checks when applying for jobs, or to sanctions under the laws of other countries, such as deportation or tighter registration requirements. Nor can the possibility of the information being passed on to foreign intelligence services be excluded. This could for example lead to the persons in question finding themselves on a no-fly list.

### Karlsruhe calls for amendments

In its ruling of 24 April 2013, the Federal Constitutional Court objected to certain parts of the

Counter-Terrorism Database Act and named the improvements it deemed necessary. It called among other things for stricter prerequisites for the storage of data on contact persons, improved and independent supervision of the data stored, as well as an examination of the obligation to share data.

### What is the ATD?

- A database jointly operated by 38 police and internal security authorities at both the federal and state level, as well as the Military Counter-Intelligence Service (MAD), the Bundesnachrichtendienst (BND, Federal Intelligence Service) and the Customs Investigations Bureau (ZKA).
- Purpose: the exchange of knowledge about individuals between the authorities to aid intelligence services or the police in the fight against international terrorism related to the Federal Republic of Germany.
- Size: the ATD contains records on approximately 17,000 individuals (as of April 2013).
- All authorities involved can access the basic data in the database, and therefore also obtain information on innocent contact persons or relatives as potential contact persons. The law does not foresee an effective mechanism for preventing uncontrolled use of the data.

# “Human Rights Education is Education in Democracy for the Pluralist Society”

Work aimed at educating people about human rights receives much recognition in Germany. Knowledge, awareness and competence regarding human rights are an important basis for exercising those rights, respecting the rights of others and standing up for the inclusive mission of human rights. Ten years ago, the Institute set up its own department for human rights education, offering information, further education and advice to those interested in human rights and in promoting them. Claudia Lohrenscheit led the department from 2003 to 2012. In an interview with Anja Viohl she looks back on its achievements and describes the necessary steps for the future.



Human rights education is a right in itself.

## What milestones has the Human Rights Education Department achieved so far?

The Institute and the department have launched a discussion about human rights education, they have developed practical material, tested them, and together with their partners ensured that these services are disseminated. We have also set up the first networks and institutional structures. This is exactly the right approach to begin with: getting the ball rolling. However, political education, and that includes human rights education, requires a great deal of patience. Everyone is a great fan of human rights education at the rhetorical level, but when it comes to putting it into

practice – for example building structures that can sustain such work in the long term – the support tends to crumble.

## What was the greatest achievement in your work?

There is no single major achievement because education and learning processes are not geared towards producing spectacular results. Instead they focus on the smaller and larger Aha! experiences: for example the teacher who after taking part in a children's rights seminar starts building participative structures into his lessons. Or a police officer who attends a human rights seminar and realises that her own racist attitudes and behaviour are reproduced again and again in her everyday actions, and that she will not automatically develop an anti-racist attitude by attending a seminar, but that this is a continuous process of learning and reflection.

## To correct deficits in human rights education the United Nations adopted a Declaration on Human Rights Education and Training. You helped with the translation of the Declaration into German. What impact can it have?

The declaration provides a fantastic basis for launching a political process aimed at stronger formalisation, institutionalisation and promotion of human rights education in the UN mem-



ber states. This is because in the Declaration the member states spelled out their obligations for guaranteeing human rights education under the human rights treaties.

**What role do you see the Institute playing in the implementation of the Declaration?**

In a first step the Declaration must be made known to the general public and actively integrated into education policy. This is a classic role of the Institute. At the same time it is important to make clear that the Declaration names all areas of education and professional groups as addressees of human rights education, and that it also calls for the creation of organizations and institutions. It is not enough for the member states to simply confine themselves to grandiloquent speeches and declarations of intent.

**In which areas must more be done for human rights education in Germany?**

I see the greatest need for action in educational practices, because here in Germany there are still too few institutions engaging in practical human rights education work. Not just in kindergartens, schools, vocational schools and universities do people need to be taught more about human rights. Also people working in police agencies, judicial institutions and prison authorities, in nursing and care professions and the social services in



**Prof. Dr. Claudia Lohrenscheit**  
director of the Human Rights Department until 2012, is now a professor at the Social Work and Health Faculty of Coburg University

general need to deal intensively with the subject of human rights in training courses and further education measures. This is particularly clear as regards racism and all types of hostility directed against groups. In these areas, human rights education has a major mission as an instrument against racism. Human rights education serves to provide the basic education in democratic principles that is indispensable in an increasingly pluralist society.

**If after almost ten years in human rights education you could be granted one wish, what would it be?**

I'd like to see a movement for a „culture of human rights“: a country that becomes a pioneer in human rights education and creates adequate structures for this at the federal, state and local levels, so that anyone who wants to learn about human rights and promote them has access to competent contact persons in their own area.

**The UN Declaration on Human Rights Education and Training**

Basic education in human rights is a human right in itself. In December 2011, the United Nations General Assembly adopted a fundamental text that describes in detail how the member states should implement the right to human rights education.

This includes for example revising the education acts to bring them in line with human rights, developing curricula and ensuring that educators receive training and further education in human rights.

**Excerpt from Article 1**

1. Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.

2. Human rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, in accordance with the principles of universality, indivisibility and interdependence of human rights.



# Mixed Results – 20 Years of the Convention on the Rights of the Child

The year 2012 marked a special anniversary for children's rights. Twenty years previously, on 5 April 1992, the Convention on the Rights of the Child (CRC) took effect in Germany. The CRC set out in detail for the first time the rights of children in an international, globally applicable treaty. Since the Institute was founded in 2001, critically and constructively accompanying the implementation of the convention has been one of its key priorities.

Approximately 20 years after the convention took effect in Germany, the results in the area of children's rights are mixed. Politicians, the authorities and the courts still fail to give children's rights the respect they deserve. A positive development was that in 2010 Germany withdrew all its reservations regarding the CRC, meaning that the Convention has now been fully recognized. Moreover, Germany signed the third optional protocol to the CRC in 2012 and ratified it in 2013. This opens up the possibility for children to assert their rights under the Convention in individual complaint procedures.

## Taking the Convention more seriously

There are still many deficits in the implementation of children's rights. Putting 16 and 17-year-olds into custody pending deportation is just one example of many. A comprehensive and systematic revision of the compatibility of German law with the CRC is therefore urgently needed. The United Nations Committee on the Rights of the Child has recommended the establishment of an independent body for monitoring the Convention's imple-



Strengthening children's rights and co-determination. Girls on International Children's Day in Cologne.

mentation in Germany: a demand also backed by the National Coalition for the Implementation of the CRC, an organization comprising around 110 organizations and initiatives from different social areas that are active nationwide. Numerous children's rights organizations have called for children's rights to be enshrined in the German Basic Law. Such an arrangement could serve as a "lever" for ensuring that courts and authorities adhere more stringently to their obligations under the CRC. The Institute has developed standards for constitutionally anchoring children's rights.

## The UN's individual complaint procedure for children

At the end of 2011, the United Nations General Assembly approved a third optional protocol to the CRC, which gives children recourse to an individual complaint procedure: children whose rights have been violated can submit a complaint to the UN Committee on the Rights of the Child in Geneva, provided that the possibilities for legal action within their own state have been exhausted. If the complaint is upheld, the Committee on the Rights of the Child issues recommendations for redressing the infringement. If there is evidence of systematic and serious violations of children's rights, the Committee can launch an investigation in the state in question.

# Children's Rights in German Development Policy

With the ratification of the UN Convention on the Rights of the Child (CRC) in 1992, Germany undertook to respect and defend children's rights not just on its own territory. It must also take children's rights into account in its development programmes. Special measures focused on children and youths are, however, still rare in Germany's development programmes. In a study commissioned by the Ministry for Economic Cooperation and Development (BMZ), the Institute examined ways to ensure that the rights of children and youths are given greater priority in development policy.



Without children's rights there can be no sustainability in development policy: Children in an aid project in northeast Tanzania.

The figures speak for themselves: according to UNICEF more than 190 million children suffer from malnutrition, hundreds of millions live in extreme poverty and more than 60 million can neither read nor write.

The action taken by both the donor countries and partner countries to combat this state of affairs is frequently confined to scattered children's aid or promotion measures. The fact that children have comprehensive rights generally plays no role in these efforts.

For example, children have the right to education, healthcare and adequate living standards, as well as the right to be especially protected by the member states. In addition they also have the right to be heard and to participate, as well as the right to exercise their rights independently. In practice this means for instance that education programmes should not focus solely on improving education management systems and the quality of education. The active participation of children and youths in and at school should also be an integral part of such programmes.

## Including development goals for children

Germany still has a lot of catching up to do in this respect, as the Institute notes in the study by Uta Simon „A (lack of) Policy for Children's Rights?“ For this reason the Institute recommends as a first step the inclusion of concrete development goals for children and youths in those areas where minors are already taken into account, such as education, employment schemes and the health sector.

One of the key assertions of the study is that if children's rights continue to be neglected, development cannot be sustainable. After all, young people still make up the bulk of the population in many partner countries. In most cases, development deficits that occur during childhood cannot be made up for later on in life.

# Using Human Rights in Court

The project “Lawyers for Human Rights and Diversity” was launched at the beginning of 2012 and has developed a broad range of information and training services for lawyers. The goal is to teach them how to better recognize discrimination, bring legal proceedings against it, and make use of human rights in court proceedings.



Nina Althoff at a course for lawyers on diversity and anti-discrimination rights.

It is not often that a labour lawyer turns to the European Court of Human Rights (ECtHR) in Strasbourg for help. Benedikt Hopmann did – and he was successful. Hopmann spent six years bringing the case of Brigitte Heinisch, a Berliner geriatric nurse, before the courts of the various instances in the German system until finally he brought it before the ECtHR. Heinisch, 44, had been dismissed without notice after she publicly criticized the state of affairs at the retirement home where she worked. The Court ruled that Ms Heinisch’s right to freedom of expression had indeed been violated and ordered that she be paid 10,000 euros in damages. This gave Benedikt Hopmann the possibility to resume legal proceedings in Germany, which resulted in a settlement in May 2012.

For lawyers, being able to cite human rights treaties when they argue their cases in national legal proceedings – and not only when the case

comes before the ECtHR – can be crucial for their chances of success. “But in reality universal human rights barely play a role in the day-to-day business of lawyers,” says Nina Althoff, head of the project “Lawyers for Human Rights and Diversity”, despite the fact that lawyers are supposed to interpret all national laws taking human rights into account. Moreover, the prohibition of discrimination, a key human right, establishes directly applicable and legally enforceable rights for individuals.

## Recognising discrimination – and bringing legal action against it

Benedikt Hopmann also had to familiarize himself with the subject before taking on the “Heinisch” case. “Human rights were completely new territory for me,” the labour lawyer remembers. “So getting familiar with the relevant case law was a

laborious process." And indeed, Germany has little to offer in terms of qualifications on the subject of human rights and human rights proceedings – either for law students or for lawyers seeking further education. For this reason the project "Lawyers for Human Rights and Diversity", launched in January 2012, is developing further education and information modules on the subject: the goal is to teach lawyers to recognize cases of discrimination, bring them to court and apply the European and international human rights treaties in court and complaint proceedings – at both a national and international level.



Berlin lawyer Benedikt Hopmann "Human rights were new territory for me."

"Today only a fraction of all the cases of discrimination are brought to the attention of lawyers, and of those only a few actually lead to legal proceedings," Nina Althoff explains. Althoff also attributes this to considerable deficits in the application of anti-discrimination laws. The reasons for this are complex, she explains, and range from structural barriers and inadequate counselling services to a lack of financial resources.

### Acquiring competence in diversity

Meanwhile, not every act of discrimination constitutes a violation of human rights. "In order to determine the seriousness of an injustice, lawyers need to have an awareness of the power structures and lack of equal opportunities in a society," Nina Althoff explains.



**Dr. Nina Althoff**

has headed the project "Lawyers for Human Rights and Diversity" at the German Institute for Human Rights since the start of 2012

The project is also developing courses on this subject that aim to enhance diversity competence. Diversity competence refers to a professional and appropriate approach to diversity and differences among people, for example regarding their cultural, ethnic and religious background, gender identity, disabilities or concepts of life. "Coupling diversity with human rights is sensible and logical," notes Nina Althoff. "Diversity competent lawyers are also better able to represent a diverse client base in court."

The training and information services are developed in cooperation with established institutions that provide legal training. "Our goal is to firmly anchor these training modules in the curricula," Nina Althoff stresses. This should serve to promote the long-term establishment of human rights qualifications as a fixed component of further education for lawyers.

Another goal of the three-year project is to strengthen networking within the legal profession. To this end, information meetings are planned, as well as networking sessions with associations and self-led organizations. A poster hanging on the wall of labour lawyer Hopmann's office with a quote from "William Tell" sums up this approach: "Even the weak grow strong by union".

The project is planned for a three-year period (2012 – 2014) and is funded by the Federal Ministry of Labour and Social Affairs and the European Social Fund within the framework of the XENOS programme "Integration and Diversity".





# Copycats Welcome – The Legal Aid Fund for Victims of Human Trafficking

In Germany as elsewhere, many people work under extremely degrading conditions. In some cases, the economic exploitation and deprivation of personal freedom are so extreme that it can only be described as modern slavery. The German Institute for Human Rights' project "Forced Labour Today", carried out in cooperation with the Foundation "Remembrance, Responsibility and Future" (EVZ), has established a legal aid fund to help victims bring legal action for pay and damages. Three years after its launch, project manager Heike Rabe takes stock of the fund in an interview with Anja Viohl.

**Ms Rabe, the legal aid fund expires in the summer of 2013. Has it been worthwhile in your opinion?**

I am satisfied; the fund has done well. We have succeeded in making it known at counselling centres, and its services are in demand. So far we have assisted victims of human trafficking and extreme forms of labour exploitation in 21 court cases – sometimes over a period of several years and through the different court levels. In many

other cases we have provided information, advice and contacts.

**Which case do you see as the project's biggest success?**

The cases varied a lot. In several proceedings, domestic workers were able to obtain most of their wages. A woman who was forced to work as a prostitute over an extended period, causing severe long-term damage to her mental and physical

health, was granted a substantial monthly pension. In a number of court cases that are still in progress, claims for damages and wages amounting to as much as 90,000 or 200,000 euros have highlighted the huge amount of work performed by the victims, or the seriousness of their injuries.

Beyond helping individual cases through the fund, we have also been able to foster new trends. The subject of wage entitlement and damages for victims of human trafficking is now more present in the professional community. The German parliament's hearings on the subject no longer focus primarily on the prosecution of the perpetrators. Claims for wages and damages have become a second important issue in this field.

**Have there been problems or special challenges?**

The biggest challenge was certainly that the fund addresses an issue that was regarded as relatively marginal at centres offering counselling to victims of human trafficking. First we had to create an awareness of the problems and open up possibilities for giving counselling centres access to specialised lawyers. A fundamental challenge when it comes to litigation for people in vulnerable situations is their reluctance to get involved in legal proceedings, a tendency to make out-of-court settlements, and lengthy and ambivalent counselling procedures. These factors hinder the initiation of legal proceedings and strategic planning.

**The project ends in 2013. What do you wish for the future?**

We hope our work will be copied. The ideal thing would be to set up a permanent legal aid fund to support counselling centres and lawyers in their efforts to assert the rights of victims of human trafficking and labour exploitation, and in doing so guarantee that this group also receives the effective legal protection to which it is entitled under the provisions of the human rights agreements and the constitution.

**Heike Rabe** headed the project "Forced Labour Today – Empowering Trafficked Persons" from 2009 to 2013. The lawyer is an expert on the topics domestic violence, prostitution and human trafficking



The legal aid fund

- is a cornerstone of the project "Forced Labour Today – Empowering Trafficked Persons", which was launched in cooperation with the Foundation "Remembrance, Responsibility and Future" (EVZ) in June 2009 at the German Institute for Human Rights.
- helps victims of human trafficking and extreme forms of labour exploitation to bring claims for damages for sustained injuries and pay for services rendered before the authorities or courts.

# The Institute's Library – Removing the Barriers Blocking Access to Information

Improving access to information on human rights is one of the Institute's primary tasks. An important instrument in this endeavour is the Institute's specialised library and comprehensive online services, to which the public has free access. Anja Viohl talked to Anne Sieberns, head of the library, about the challenge of removing barriers to allow free access to information and resources on human rights.

## Why is access to information an important issue for human rights work?

Access to information is a prerequisite for social and political participation. Its importance for human rights efforts is obvious: only those who are informed about human rights and their possibilities for asserting them will be in a position to make use of those rights.

## Don't we have enough possibilities for informing ourselves about human rights here in Germany?

Because German is not among the official languages of the UN or the Council of Europe, there is a language barrier that hinders access to the international documents on human rights protection in Germany. That's why we have undertaken to collect the available German translations and publish them in a prominent place on our website, supplemented by links to other German-language and international resources. In this way a body of German-language documentation and a guide to information on international and European human rights protection has gradually been gathered in the "Human Rights Instruments" section.

## Do people use the service?

On the basis of the website statistics we can see that the "Human Rights Instruments" section is visited very frequently, particularly when people are looking for previous national reports or parallel reports in the run-up to Germany submitting a national report to a UN human rights treaty body



Anne Sieberns, head of the Institute's library.

or the UN Human Rights Council. In 2012, information and documents on the UN International Covenant on Civil and Political Rights, the UN Disability Rights Convention and the Human Rights Council's Universal Periodic Reviews (UPR) were called up most frequently.

## What other barriers blocking access to information have you removed in the library?

The library is accessible to persons in wheelchairs. We have set up a computer especially equipped for blind or visually impaired visitors, and since 2010 we have been collecting specialized literature in "Easy-to-Read" language.

Twice a year we hold authors' readings, which are simultaneously translated into sign language. We plan to acquire part of the current research literature in e-book format because this technology allows users to change the font size or have texts read out loud with the help of screen readers. This will give the blind and visually impaired broader access to the current literature, whereas in the past only around five percent of all publications worldwide were published in large print or Braille.

### So a digital library is barrier-free?

Certainly not. Not all e-books are barrier-free to the same extent, and PDF documents were long regarded as inaccessible to the blind and visually impaired. In the meantime, however, standards like PDF/UA have been developed in which the requirements for barrier-free electronic texts and formats are explained. Now it is up to the publishers and service providers to implement these standards. Under Article 21 of the UN Convention on the Rights of Persons with Disabilities, public institutions in particular are obliged to design their publications according to these standards to ensure that they are barrier-free.

### "Open Access" has also become an important keyword in your work since 2012. What does this term mean?

The Open Access Movement emerged in the 1990s in reaction to the horrendous increase in the price of scientific journals. The goal of the movement, which is backed by renowned research communities, is to make the results of publicly funded research available free of charge on the Internet. The Institute supports the Open Access Movement because it removes the financial, technical and legal barriers that also block access to human rights publications.

### Since the autumn of 2012 the Institute has been cooperating with the Social Science Open Access Repository (SSOAR) run by the Leibniz Institute for the Social Sciences. How does this collaboration help?

Thanks to this collaboration the Institute's publications are easier to find in Internet searches. In the SSOAR database, current and previous publications by the Institute are uploaded, described using metadata and provided with licenses for use. They are assigned permanent web addresses, made available on a long-term basis, and can also be accessed via other open access search engines.

## ECCHRD meeting at the Institute

In May 2012, the German Institute for Human Rights hosted the **33<sup>rd</sup> Meeting of the European Coordination Committee on Human Rights Documentation (ECCHRD)** in Berlin. The ECCHRD is the European regional group of the international HURIDOCs network, which supports human rights organizations across the globe in compiling electronic documentation or databases.

Among the topics dealt with at the meeting were the new legislation databanks of the European Court of Human Rights and the African Commission on Human and People's Rights, innovative research portals for libraries, digital archives and standards for barrier-free websites.



Anne Sieberns (right) at the ECCHRD Meeting: "Our meetings always focus on the question: How can we improve access to human rights information?"



# Data Protection – A Human Right that Is Difficult to Assert

Data protection scandals at companies like Telekom and surveillance measures like data retention and online searches have shown that everyone needs effective data protection. From a procedural point of view, data protection standards in Germany are high. But to what extent do people whose data protection rights have been violated have access to justice in practice? The Institute carried out a national survey commissioned by the European Union's Fundamental Rights Agency (FRA).

A typical day at one of the Federal Employment Agency's job centres: a case officer demands to see the bank statement of a woman who receives unemployment benefits. The woman discloses all her bank account data even though by law she could have refused to. This is just one of many situations that highlight the deficits in data protection. For example there is a lack of accessible, comprehensible information on data protection rights and on how those affected can assert them.

The FRA commissioned a study in 15 selected member states to assess what channels are open to citizens when they want to take legal action against a violation of their data protection rights, and what their experiences have been with the existing possibilities. Eric Töpfer, a researcher with the Department Human Rights Policy Germany / Europe at the German Institute for Human Rights, conducted the survey for Germany. Töpfer included more than 30 people in his survey, including victims of data protection infringements, judges and employees of data protection authorities.

"It is often very difficult for those affected to assert their right to information or even have their data corrected or erased," Töpfer notes. The data protection authorities at both the state and federal level are important contacts, he explains, but they lack the necessary human resources and powers to thoroughly investigate all complaints. Moreover, they can only object to breaches of the law by the authorities and hope to be given access to the files. "In the end, those affected



How much data must I disclose? There is often a lack of clear information on data protection laws.

have no alternative but to go to court," Töpfer explains. But the search for specialized lawyers with knowledge of the highly complex data protection laws is not easy – especially given that the low amounts in dispute mean they cannot earn much money with such cases.

So far the EU's planned data protection reform package promises only to partially improve the situation.

The Institute – partner of FRA

Since 2011, the Institute, in cooperation with the European Forum for Migration Studies (efms), has served as the national focal point for reporting to the FRA in Vienna. It compiles comprehensive legal and social science studies for the agency on the state of fundamental rights in Germany and on issues such as racism, visa and border protection, internal security and data protection.

# 1<sup>st</sup> Berlin Human Rights Day – A Learning Journey on Inclusion

In September 2012 the Institute hosted the 1<sup>st</sup> Berlin Human Rights Day. Its motto was "At ease with each other?! Germany on the path to an inclusive society". Around 250 people accepted the Institute's invitation and embarked on a "learning journey on inclusion".

Up to now the term "inclusion" has become known and disseminated above all in connection with the UN Convention on the Rights of Persons with Disabilities. But can the principle be extended beyond disabilities to apply to the human rights of all individuals – for example regarding issues like poverty, education or sexual identity? This question was the main focus of the discussion fora and workshops held to mark Berlin Human Rights Day. Lucie G. Veith was among the participants.



**Lucie G. Veith**  
is 1<sup>st</sup> chairwoman of  
the Verein Intersexuelle  
Menschen e.V.  
(Association of Intersex  
People) and teaches art  
and design

## Can you participate on an equal footing wherever you choose to in our society?

That would be nice, but it is an illusion. Nonetheless I turn up everywhere, because intersex people like me are part of this society, but unlike people who were born into the norm, I had to bring the norm into my body and must fight for recognition of my identity.

## What barriers do you encounter?

The barriers encountered by intersex people are based on the misconception that this society can only produce and recognize men and women. Unfortunately only a few people are aware of the fact that this premise is not biologically valid. This

is because schools impart unscientific teachings, with the result that a group of people has disappeared from our general awareness: intersex people. The minimum protection afforded by the state, like the right to freedom from bodily or psychological harm, is denied to us.

## What must change in our society to ensure that all individuals can participate equally?

We must jointly provide the space for every individual to be respected and accept that we are all different and that no one should be put at a disadvantage because of their age, gender, ethnic background, religion, world views, physical or mental constitution, gender identity or sexual orientation.

## What does inclusion mean for you?

That every individual is born into society and finds their place to live on an equal footing with everyone else.

The interview was conducted by **Ingrid Scheffer**, online editor at the Institute.

# The German Institute for Human Rights

The German Institute for Human Rights is Germany's independent national human rights institution. It contributes to the protection and promotion of human rights.

The Institute works towards human rights to be taken into account in decisions on domestic and foreign policy and for the international human rights treaties to be implemented in Germany. Its tasks are: policy advice, application-oriented research on human rights issues, human rights education, dialogue and cooperation with national and international organizations, documentation and information. In 2009, the Institute took over the task to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and set up the CRPD Monitoring Body (see p. 42).

## Protection against Discrimination

### Right to Water, Sanitation and Food

### Children's Rights Women's Human Rights Human Trafficking

### Rights of Older Persons Protection against Racism Migration and Integration

### Right to Education Business and Human Rights

### Rights of Persons with Disabilities

### Human Rights in Development Policy Prohibition of Torture

### Refugees Security Policy and Human Rights

## What exactly does the Institute do?

The Institute

- advises the parliament, government and civil society on human rights issues
- publishes studies, statements, position papers and educational material on human rights issues
- organises expert discussions, seminars, conferences and other events
- prepares expert opinions for courts in selected cases
- offers education seminars for journalists for journalists, teaching staff and employees in parliaments, the judiciary, police agencies and the armed forces.

## National human rights institutions

In the past two decades, national institutions for the promotion and protection of human rights that are based on the Paris Principles have been established in more than 80 states. In 1993, the United Nations proclaimed the Paris Principles as the international standards for national human rights institutions. The German Institute for Human Rights fully complies with these standards and was therefore accredited with the "A" status. Only national human rights institutions with this status have the right to speak in the United Nations Human Rights Council. The Institute cooperates closely with the human rights bodies of the United Nations, with the Council of Europe and the European Fundamental Rights Agency.



Committed to human rights: The Institute sees itself as an independent intermediary between the state and civil society, between theory and practice and between international and national bodies.

### Informing and documenting

The Institute's library is open to the general public and provides access to recent research literature and journals on human rights (see p. 43). The Institute's four websites and its newsletter provide comprehensive information on human rights issues aimed at different target groups (see p. 44).

### Independent and non-profit-making

The Institute is organized as a non-profit association. It is politically independent and determines the orientation of its work on its own initiative. The guidelines for its work are decided by an 18-member Board of Trustees which consists of representatives from politics, academia, civil society and the media.

### How is the Institute financed?

The Institute is financed by the Federal Ministry of Justice, the Federal Foreign Office, the Federal Ministry for Economic Cooperation and Development, the Federal Ministry of Labour and Social Affairs, as well as third-party funding.

## The Institute

### How barrier-free is the Institute?

- PC workstation for blind and visually impaired visitors to the library, with a swivel-arm monitor, Braille display, screenreader, headphones, scanner and camera system, ZoomText and uppercase keyboard. The workstation has access to the Internet and to all of the library's electronic resources; the table is height-adjustable.
- Parking space for people with disabilities
- Wheelchair access to the Institute
- Wheelchair accessible bathroom
- Films and services in sign language and "Easy-to-Read" materials
- The Institute's websites and publications are for the most part barrier-free





# The National CRPD Monitoring Body

The National CRPD Monitoring Body keeps close watch on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). It issues reasoned expert opinions in court and legislative procedures, advises government authorities, carries out applied research and organizes events dealing with the Convention.



3<sup>rd</sup> meeting of the Monitoring Body with disabilities representatives from the federal and state governments in April 2013.

One focus of the Monitoring Body's work in 2012 was legislation for ensuring equal rights for people with disabilities. "Here we see considerable need for reforms," says Valentin Aichele, head of the National CRPD Monitoring Body. "Many problems like discrimination, barriers and the lacking participation of persons with disabilities could be resolved if they were taken more into account in the equality legislation of the federal and state governments."

In addition, the CRPD Monitoring Body stated its views on the principles of barrier freedom and accessibility. This includes the special needs of persons with disabilities regarding their use of buildings, which are not taken into account systematically enough in building regulations. The Monitoring Body's further concerns included the

need to gather more and better data on the situation of people with disabilities in Germany and human rights in psychiatric care. A regular exchange with civil society was also continued in the context of consultations with the various disabilities rights organizations (see p. 17).

Aichele expressed particular satisfaction with the response to one of the key demands in 2012: "A growing number of state governments are using the specific action plans for the implementation of the CRPD." This positive trend is continuing, he adds, pointing out that an important development in that year was that the issue of inclusion gained far more prominence in social and political debates. The Berlin Human Rights Day dealt with this subject (see p. 39).

## The Mandate of the CRPD Monitoring Body

The National CRPD Monitoring Body, as a part of the Institute, is an independent centre for promoting the rights of people with disabilities and monitoring the implementation of the UN CRPD in Germany. It advises politicians at the federal and state levels, ministries, authorities and the courts, as well as non-governmental organisations. It issues statements and recommendations concerning

political, administrative and judicial decisions and – where necessary – issues calls for compliance with the Convention. By carrying out scientific studies, meeting regularly with disability rights organisations, visiting care facilities and consulting with experts, the National CRPD Monitoring Body is gaining an overview of the situation of people with disabilities in Germany.

# The Library

Informing people about human rights and documenting developments in the area of human rights is one of the main tasks of a national human rights institution. Consequently the Institute has a specialized library that is open to the public and offers comprehensive print materials and online resources.



The Institute's public library and librarians Anne Sieberns (left) and Daniela Marquardt (right).

The reference library provides access to current research literature on national, European and international human rights policy and protection and the Institute's main areas of interest. "By participating in alliance licenses we were able to considerably expand our collection of electronic books and journals in 2012," Anne Sieberns, head of the library reports. This includes the publications of the World Bank's eLibrary as well as the social sciences journals of international publishers. Publications of particular relevance in the area of human rights are selected by assistant librarian Daniela Brown and listed in the library's online catalogue.

Many of the library's electronic resources and services can also be used outside the Institute. The online catalogue lists a number of freely accessible electronic publications with links to the full text. The weekly journal content service, which details the lists of contents of current issues, can be read on the website or subscribed to as an RSS feed. The library also informs users about selected new acquisitions via the social media platforms LibraryThing and Twitter. Detailed collections of links and a compilation of electronic documents

under the website section "Human Rights Instruments" facilitate access to online resources on human rights. The library is integrated into the national and international networks.

## The library at a glance

### Holdings (December 2012):

9,200 books, current issues of 85 journals, access to specialised e-books and e-journals.

### Opening Times and Information:

Monday to Friday, 10 am – 5 pm

Phone: 0049 30 259359 – 10

[bibliothek@institut-fuer-menschenrechte.de](mailto:bibliothek@institut-fuer-menschenrechte.de)

### Workstations:

Nine in total, four with PCs, one especially for the blind and visually impaired.

Wi-Fi, photocopiers. Access to the library is barrier-free.

### Services:

Library staff will be happy to answer any inquiries regarding literature or specialised research either by telephone or by email. They also offer seminars on human rights-related Internet research and public readings.

# Internet Services

Those who wish to learn more about human rights, the Institute's activities and the international human rights protection system can do so quickly via the Institute's four websites, which are largely barrier-free.



The Institute's website: A unique collection of German-language information on human rights protection.

■ [www.institut-fuer-menschenrechte.de](http://www.institut-fuer-menschenrechte.de)

This website employs a multimedia approach to inform users about the Institute's activities and events as well as human rights issues, and offers a unique assortment of German-language information on international human rights protection. It is accessible to people with various disabilities. "New to the collection in 2012 are four films in German sign language," explains Ingrid Scheffer, the Institute's online editor. "By offering these resources the Institute aims to offer hearing-impaired people easy access to basic information about its work and services." The website (including [www.aktiv-gegen-diskriminierung.de](http://www.aktiv-gegen-diskriminierung.de)) was visited 266.856 times in 2012.

■ [www.aktiv-gegen-diskriminierung.de](http://www.aktiv-gegen-diskriminierung.de)

This website was expanded into a comprehensive online handbook in 2012. It mainly targets organisations and associations. It provides an overview of the national and international individual rights and possibilities for participation in anti-discrimination court and appeal proceedings, as well as concrete guidelines for action and practice-oriented know-how. A closed members-only section provides a forum for discussions on varying issues.

■ [www.ich-kenne-meine-rechte.de](http://www.ich-kenne-meine-rechte.de)

This website provides information about the UN Convention on the Rights of Persons with Disabilities in Easy-to-Read language and is also easy to use. This service is especially tailored to the needs of people with learning difficulties, and in 2010 it received a "Silver Bee", the most prestigious award for barrier-free websites in the German-speaking countries.

■ [www.inklusion-als-menschenrecht.de](http://www.inklusion-als-menschenrecht.de)

This website offers a unique collection of information, games and teaching methods on the subjects of inclusion, disabilities and human rights. Targeted are the main players and catalysts in political and history education as well as school training schemes and training schemes offered by other institutions for young people above 16 years of age.

## Services

- Live streaming of selected events, including possibilities for chatting.
- Audio-video bar including around 200 interviews, articles and recordings
- Free monthly email newsletter
- Free press release mailing list
- Free subscription for CRPD Monitoring Body publications
- Shop with around 250 publications by the Institute for downloading free of charge
- Online library catalogue, list of media in Easy-to-Read language

Since December 2012, all the Institute's news has also been available on Twitter:  
[twitter.com/DIMR\\_Berlin](https://twitter.com/DIMR_Berlin)



# The Board of Trustees

The guidelines for the work of the Institute are defined by the Board of Trustees, which consists of representatives from civil society, the academic world, the media and politics. The representatives of the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development, the Federal Ministry of Labour and Social Affairs and a representative appointed by the German Bundesrat have no voting rights.

## Prof. Dr. Theresia Degener

Professor, Protestant University for Applied Science RWL, Member of the United Nations Committee on the Rights of Persons with Disabilities

## Richard Fischels

Federal Ministry for Labour and Social Affairs, Head of subdivision V a – Prevention, Rehabilitation and Disability Politics

## Uta Gerlant

Advisor to the Board of Directors, Foundation "Remembrance, Responsibility and Future" (EVZ)

## Wolfgang Grenz

Secretary General of the German section of Amnesty International

## Ute Hausmann

General Secretary of FIAN Germany

## Dr. Rainer Huhle

Deputy Chairman of the Board of Trustees, representative of the Forum Human Rights, member of the UN Committee on the International Convention for the Protection of All Persons from Enforced Disappearances

## Wolfgang Kanera

Federal Ministry for Economic Cooperation and Development, Head of Directorate 20 - Social development, security, human rights, governance, gender

## Jürgen Klimke

Member of the German Bundestag, member of the Committee for Human Rights and Humanitarian Aid, member of the Foreign Affairs Committee, member of the Committee for Economic Cooperation and Development

## Markus Löning

Federal Government Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office

## Dr. Michael Maier-Borst

Officer, German Federal Government Commissioner for Migration, Refugees and Integration

## Prof. Dr. Eibe Riedel

Chairman of the Board of Trustees; Member of the UN Committee for Economic, Social and Cultural Rights

## Christoph Strässer

Member of the German Bundestag, Spokesman of the SPD parliamentary group for the Committee for Human Rights and Humanitarian Aid

## Claudia Tietz

Officer, Sozialverband Deutschland e. V.

## Barbara Unmüßig

Deputy Chair of the Board of Trustees, Member of the Executive Board of the Heinrich Böll Foundation, Berlin

## Erhard Weimann

Deputy Minister of the Free State of Saxony as well as Director of the Permanent Delegation of the Free State of Saxony in Berlin

## Dr. Almut Wittling-Vogel

Representative of the Federal Government for Matters Relating to Human Rights, Head of Directorate IV C - Human Rights, EU Law, International Law and plenipotentiary of the Federal Government at the European Court of Human Rights

## Prof. Dr. Andreas Zimmermann

Professor at the University of Potsdam's Faculty of Law and director of its Human Rights Centre

## Andreas Zumach

Journalist and United Nations correspondent

(as of 31 December 2012)



# Staff 2012

As a non-profit association, the Institute is politically independent and acts on its own initiative. The two-member Board of Directors manages the day-to-day business of the Institute.

## Board of Directors

**Prof. Dr. Beate Rudolf**

Director

**Michael Windfuhr**

Deputy Director

**Silvia Krankemann**

Assistant to the Board of Directors

## National CRPD Monitoring Body

**Dr. Valentin Aichele, LL.M.**

Head of the CRPD National Monitoring Body

**Dr. Marianne Hirschberg** (until November)

Researcher

**Cathrin Kameni**

Assistant to the Head of Department

**Dr. Leander Palleit**

Researcher

**Daniel Scherr** (from October)

Researcher

## Human Rights Education

**Dr. Claudia Lohrenscheit** (until August)

Head of the Human Rights Education Department

**Judith Feige** (from April)

Researcher

Project "Courage and Competence for Inclusion: Historical Awareness in the Future of Human Rights"

Parental leave substitute for Dr. Meike Günther

**Judy Gummich** (from May)

Researcher

Human Rights, Inclusion and Diversity

## Human Rights Policies Germany / Europe

**Dr. Petra Follmar-Otto**

Head of the Human Rights Policies

Germany / Europe Department

**Dr. Nina Althoff**

Project Director

"Lawyers for Human Rights and Diversity"

**Paola Carega** (from April)

Public Relations

"Lawyers for Human Rights and Diversity"

**Sera Choi** (until August)

Project Coordinator

"Lawyers for Human Rights and Diversity"

**Dr. Hendrik Cremer**

Senior Researcher

Migration, Racism and Children's Rights

**Dr. Jeannine Drohla** (until July)

Senior Researcher

Internal Security, Reporting to the European Union Agency for Fundamental Rights

**Lea Fenner**

Project assistant "Forced Labour Today – Empowering Trafficked Persons"

**André Klüber**

Assistant to the Head of Department

**Theda Kröger**

Project Assistant

"Forced Labour Today – Empowering Trafficked Persons"

**Dr. Claudia Mahler**

Senior Researcher

Economic, Social and Cultural Rights

**Heike Rabe**

Project Director

"Forced Labour Today – Empowering Trafficked Persons"

**Aliyeh Yegane Arani**

Project "Lawyers for Human Rights and Diversity"  
Human Rights Education and Diversity

Many other colleagues assisted the Institute in 2012: Gamze Atas, Arne Bardelle, Sohal Behmanesh, Kayleigh Brown, Dr. Anja Dellmann, Dinara Dildabekova, Michelle Doerlemann, Tasnim El-Naggar, Nina Eschke, Sarah Eschmann, Sabine Froschmaier, Teresa Golsong, Verónica Gonzalez, Anita Heindlmaier, Indra Heinrich, Caitlin Hickey, Ben Insel, Kathleen Jaeger, Adriana Kessler, Manuela Krosta, Janosch Kruner, Jakob Krusche, Angela Kruschewski, Marija Kuzinovska, Peter Litschke, Johanna Lutz, Lea Markard, Martin Njekang, Caroline Peters, Christoph Rostig, Anett Schäfer, Julia Schlüter, Tadhg Stumpf, Ha Le Phan, Oxana Rimmer, Christian Warnke, Philipp Wesche, Sandra Wilhelm, Serdar Yazar

## International Human Rights Policy

Head: **Michael Windfuhr**  
Deputy Director

**Dr. Anna Würth**  
Head of the Development Policy and  
Human Rights Section

**Antje Berger**  
Researcher  
Development Policy and Human Rights

**Dr. Wolfgang S. Heinz**  
Senior Policy Advisor  
International Human Rights Policy

**Andrea Kämpf**  
Senior Researcher  
Development Policy and Human Rights

**Jana Mattert**  
Online Editor  
Development Policy and Human Rights

**Dr. Inga Winkler**  
Researcher  
Rights to Water and Sanitation

## Communication

**Bettina Hildebrand**  
Head of Communications  
Spokesperson

**Petra Bálint** (from August)  
Assistant to the Head of Department

**Ulla Niehaus** (until January)  
Public Relations Projects

**Ingrid Scheffer**  
Online Editor

**Ute Sonnenberg**  
Public Relations Officer

**Anja Viohl** (from November)  
Parental leave substitute for Ute Sonnenberg

## Library

**Anne Sieberns**  
Head of Library

**Daniela Marquardt**  
Librarian

**Ulrike Schenk** (until February)  
Librarian

## Administration

**Dirk Joestel**  
Head of Administration

**René Badtke**  
Administration

**Dagmar Rother-Degen**  
Administration, Central Services

**Klaus-Dieter Haesler**  
IT Administration

**Ebru Kisa**  
Institute Secretariat

**Sabine Mützlitz** (until October)  
Administration

**Matthias Wahl** (until September)  
Administration

(as of 31 December 2012)

# Events

Seminars for lawyers on anti-discrimination protection, debates on security policy and human rights, a school film festival – the Institute for Human Rights organized more than 60 events in 2012. Many of them could never have taken place without the support of our competent partners. Thank you!

Panel discussion "Between Human Rights and Realpolitik? Borders and Room for Manoeuvre in the Work of the United Nations Security Council".



## A look at the numbers

- One-day and multi-day conferences: **8**
- Expert discussions: **21**
- Panel discussions: **2**
- University lectures: **2**
- Seminars / Workshops: **24**
- Civil Society Consultations of the National CRPD Monitoring Body: **3**
- Readings at the Institute for Human Rights: **1**
- Film events: **3**
- Summer Academies: **1**

At the centre of this event held jointly with the Friedrich Ebert Foundation on 6 June 2012 was the question of when and how the UN Security Council should intervene in national crises involving serious violations of human rights.

The panel consisted of the Institute's director **Beate Rudolf**, the Brazilian ambassador **Everton Vieira Vargas**, **Joanna Weschler** (Security Council Report, New York), **Michael Freiherr von Ungern-Sternberg** (Federal Foreign Office) and **Andreas Zumach** (freelance journalist, Geneva). **Wolfgang S. Heinz** (top right) of the Institute for Human Rights introduced the event.

In addition, the Institute's staff have held numerous external presentations and advised policy makers and members of civil society at the federal and state level.



Discussion on the subject "Older People have Rights!" on 24 April 2012 at the offices of the Bremen Permanent Representation in Berlin as part of the Federal Anti-Discrimination Agency's action week "At the Best Age: Always".



Among those who participated in the panel discussion were journalist **Sven Kuntze** (left) and **Craig Mokhiber** (right), Chief of the Development and Economic and Social Issues Branch (DESIB) at the Office of the United Nations High Commissioner for Human Rights.

Around 70 guests followed the presentations and discussions on discrimination against older people and the human rights of older persons.



**Workshop "Business and Human Rights": What tasks should national human rights institutions assume on the issue?**

This was the question addressed at the three-day event held in September in Berlin and organized by the Institute in cooperation with the Danish Institute for Human Rights and the Scottish Human Rights Commission.



Representatives of the national human rights institutions of 20 European countries discussed the subject with experts from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), the European Commission and various NGOs.



Our Partners for Events	
	Arab-European Human Rights Dialogue
	Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege (Federal Working Group for Non-Governmental Welfare Services)
	Dänisches Institut für Menschenrechte
	Deutsches Anwaltsinstitut e. V. (German Institute for Further Education of Lawyers)
	Deutscher Menschenrechts-Filmpreis 2012 (German Human Rights Film Prize 2012)
	Deutsches Global Compact Netzwerk (German Global Compact Network)
	Deutsche Welle Global Media Forum
	Die Bundesgemeinschaft der Senioren-Organisationen (Federal Association of Senior Citizens Organisations)
	Erinnerungs-, Bildungs- und Begegnungsstätte Alt Rehse (Commemorative, Educational and Community Centre Alt Rehse)
	European Coordination Committee on Human Rights Documentation
	European Master in Children's Rights, Freie Universität Berlin
	Forum Menschenrechte (Human Rights Forum)
	Friedrich Ebert-Stiftung (Friedrich Ebert Foundation)



Friedrich-Alexander Universität Erlangen-Nürnberg  
(Friedrich-Alexander University of Erlangen-Nuremberg)



Heinrich Böll Stiftung  
(Heinrich Böll Foundation)



Initiative Fortbildung für wissenschaftliche Spezialbibliotheken  
und verwandte Einrichtungen  
(Further Education Initiative for specialised academic libraries  
and related institutions)

Institut für Friedenssicherungsrecht  
und Humanitäres Völkerrecht



Institut für Friedenssicherungsrecht und Humanitäres Völkerrecht  
(Institute for International Law of Peace and Armed Conflict)



Landesverband Sozialpsychiatrie Mecklenburg-Vorpommern e. V.  
(Mecklenburg-Western Pomerania Social Psychiatry Association)



Lernen aus der Geschichte  
(Learning From History)



Nürnberger Menschenrechtszentrum  
(Nuremberg Human Rights Centre)



One World Berlin Filmfestival für Menschenrechte und Medien  
(One World Berlin Film Festival for Human Rights and Media)



Politische Memoriale Mecklenburg-Vorpommern  
(Political Memorials Mecklenburg-Western Pomerania)



SchulKinoWochen Berlin  
(School Cinema Weeks Berlin)



Stiftung „Erinnerung, Verantwortung und Zukunft“  
(Foundation “Remembrance, Responsibility and Future”)



Vision Kino - Netzwerk für Film und Medienkompetenz  
(Vision Kino - Network for Film and Media Competence)



Zentrum für postgraduale Studien Sozialer Arbeit: Master of  
Social Work - Soziale Arbeit als Menschenrechtsprofession  
(Center for Post-Graduate Studies in Social Work: Master of  
Social Work - Social Work as a Human Rights Profession)

# Publications 2012

**Valentin Aichele:** The UN Convention on the Rights of Persons with Disabilities: Its Relevance for Authorities, Courts and Government Agencies (also in Easy-to-Read language). Berlin: German Institute for Human Rights, 2012. 4 p. ISBN 978-3-942315-43-2. (Positions: National CRPA Monitoring Body No. 6)

**Valentin Aichele:** Overcoming Barriers in Individual Cases: Establishing Appropriate Legislation (also in Easy-to-Read language). Berlin: German Institute for Human Rights, 2012. 4 p. ISBN 978-3-94231534-0. (Positions: National CRPA Monitoring Body No. 5)

**Hendrik Cremer:** Reforming European Refugee Protection. Berlin: German Institute for Human Rights, 2012. 6 p. (aktuell 1/2012, only available online)

**Hendrik Cremer:** The UN Convention on the Rights of the Child. Validity and Applicability in Germany after the Withdrawal of the Reservations. 2<sup>nd</sup> revised edition. Berlin: German Institute for Human Rights, 2012. 31 p. ISBN 978-3-942315-31-9.

**German Global Compact Network / Twenty Fifty Ltd. / German Institute for Human Rights:** Respect Human Rights. A Guide for Companies. Berlin: Deutsches Global Compact Netzwerk / Twenty Fifty Ltd. / German Institute for Human Rights, 2012. 34 p. ISBN 978-3-942315-54-8.

**German Institute for Human Rights:** What is Inclusion? 16 Individual Answers. Berlin: German Institute for Human Rights, 2012. 43 p.

**German Institute for Human Rights:** Annual Report 2011. Berlin: German Institute for Human Rights, 2012. 55 p. ISBN 978-3-942315-47-0.

**Diakonie Bundesverband / German Institute for Human Rights / Bundesverband Evangelische Behindertenhilfe:** Protection against Discrimination in Social Welfare Work – Experiences and Perspectives. Social Work for People. Symposium 23 September 2011. Stuttgart: Diakonie Bundesverband / German Institute for Human Rights / Bundesverband Evangelische Behindertenhilfe, 2012. 31 p. ISBN 978-3-941458-46-8.

**Petra Follmar-Otto:** Germany in the Universal Periodic Review (UPR) – From Obligation to Voluntary Commitment. Berlin: German Institute for Human Rights, 2012. 6 p. (aktuell 6/2012, only available online)

**Wolfgang S. Heinz / Peter Litschke:**

The UN Security Council and the Protection of Human Rights – Opportunities, Blockades and Conflicting Goals. Berlin: German Institute for Human Rights, 2012. 45 p. ISBN: 978-3-942315-44-9. (Essay No. 13, only available online)

**Marianne Hirschberg:** Human Rights-Based Data Collection – Guidelines for Good Disability Policy. Requirements Stemming from Article 31 of the UN Convention on the Rights of Persons with Disabilities. Berlin: German Institute for Human Rights, 2012. 19 p. ISBN 978-3-942315-53-1. (Policy Paper 19)

**Klaus Hübner / Anne Sieberns / Norman Weiß:** Human Rights Violations: What Can I do About Them? Human Rights Legal Proceedings in Practice. Bonn: United Nations Association of Germany / German Institute for Human Rights / German Commission for UNESCO UNO-Verlag, 2012. 440 p. ISBN 978-3-923904-69-3. (print version available from the UNO-Verlag)

**Claudia Mahler:** Strengthening the Human Rights of Older Persons. Berlin: German Institute for Human Rights, 2012. 4 p. (aktuell 4/2012, only available online)

**Claudia Mahler:** The Asylum Seekers' Benefit Act (AsylbLG) Violates Human Rights! Berlin: German Institute for Human Rights, 2012. 4 p. (current 3/2012, only available online)

**Leander Palleit:** Germany Finally Needs Inclusive Electoral Laws. Berlin: German Institute for Human Rights, 2012- 4 p. (current 5/2012, only available online)

**Leander Palleit:** Systematic "Removal of Barriers": The UN Convention on the Rights of Persons with Disabilities Stipulates the Removal of Barriers (also in Easy-to-Read language). Berlin: German Institute for Human Rights, 2012. 4 p. ISBN 978-3-942315-50-0. (Positions: National CRPA Monitoring Body No. 7)

**Heike Rabe / Manuela Kamp:** Labour Exploitation and Human Trafficking. Helping Workers Defend their Rights. A Guide for Counselling Centres. 2nd revised edition. Berlin: German Institute for Human Rights; Foundation "Remembrance, Responsibility and Future", 2012. 70 p. ISBN 978-3-942315-48-7. (only available online)



**Uta Simon:** A (Non-)Policy for Children's Rights? Ways to Anchor the Human Rights of Children and Youths in the German Government's Development Cooperation. Berlin: German Institute for Human Rights, 2012. 20 p.

**Michael Windfuhr:** An Important Instrument – The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. 2<sup>nd</sup> revised edition. Berlin: German Institute for Human Rights, 2012. 5 p. (current 2/2012, only available online)

**Statement: Proposals for Reforming the Legislation on Equality for People with Disabilities at the Federal and State Level in the Light of the UN Convention on the Rights of Persons with Disabilities.** Author: National CRPD Monitoring Body. Berlin: German Institute for Human Rights, December 2012. 17 p. (only available online)

**Statement on the Public Hearing on Monday, 10 December 2012, within the Framework of the 105<sup>th</sup> Meeting of the Committee on Legal Affairs.** Author: National CRPD Monitoring Body. Berlin: December 2012. 13 p. (only available online)

**Statement on the Implementation of the EU Directive on Trafficking in Human Beings (Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA).** Author: Heike Rabe. Berlin: November 2012. 18 p. (only available online)

**Amicus-Curiae Brief by the German Institute for Human Rights in Legal Action 7 A 10532/12. OVG Before the Higher Administrative Court of Rhineland-Palatinate. "Skin color" is not a Permissible Selection Criterion for Police Checks.** Author: Hendrik Cremer. Berlin: October 2012. 9 p. (only available online)

**Statement on UN Mandated Peace Missions and Human Rights.** Author: Wolfgang S. Heinz. Berlin: October 2012. 26 p. (only available online)

**Written Contribution by the German Institute for Human Rights to the Thematic Discussion of the Committee on the Elimination of Racial Discrimination on Racist Hate Speech (August 28<sup>th</sup>, 2012).** Berlin: August 2012. 9 p. (only available online)

**Statement on the Draft Legislation for Amending the Thuringia Constitution Protection Act of 18.01.2012, Drs. 5/3896. Draft for the First Law for Amending the Thuringia Constitution Protection Act of 24.05.2012, Drs. 5/4496. Motion for Amendment of 14.06.2012, Drs. 2602.** Author: Jeannine Drohla. Berlin: July 2012. 8 p. (only available online)

**Statement for the Public Hearing of the Parliamentary Committee "Migration and Integration in Hessen" on the Subject "Discrimination Experiences and Anti-Discrimination Strategies" on 8 June 2012 in Wetzlar.** Authors: Sera Choi / Nina Althoff. Berlin: June 2012. 10 p. (only available online)

**Statement by the German Institute for Human Rights for the Public Expert Discussion "The Council of Europe's Convention for Combating Human Trafficking", organized by the Committee for Family, Women, Seniors and Youth on 19 March 2012.** Author: Heike Rabe. Berlin: March 2012. 22 p. (only available online)

**Statement on the Public Hearing on a Draft Law for Combating Right-Wing Extremism More Effectively. BT Paper 17/8672 on 19.03.2012.** Author: Jeannine Drohla. Berlin: March 2012. 18 p. (only available online)

**Statement on the Report of the UN Working Group on Arbitrary Detention submitted on 6 March 2012.** Author: German Institute for Human Rights. Berlin: March 2012. 2 p. (only available online)

The Institute's publications are available online as free downloads at [www.institut-fuer-menschenrechte.de/Publikationen](http://www.institut-fuer-menschenrechte.de/Publikationen). Printed copies can be ordered at [info@institut-fuer-menschenrechte.de](mailto:info@institut-fuer-menschenrechte.de) against reimbursement of the postage costs.



# Finances

Annual Financial Statement 2012	
Income	
Federal Grants to the Institute .....	2,080,506.85 €
Miscellaneous Income .....	1,187,780.53 €
Income from Third-Party Funding (earmarked for specific purposes) .....	16,407.69 €
<b>Total Income .....</b>	<b>3,284,695.07 €</b>
Expenditures	
Human Rights Policy Department Germany / Europe .....	268,205.82 €
Third-Party Funded Projects Human Rights Policy Department Germany / Europe .....	471,136.25 €
International Human Rights Policy Department .....	189,132.64 €
Third-Party Funded Projects International Human Rights Policy Department .....	455,655.84 €
Human Rights Education Department .....	77,387.93 €
Third-Party Funded Projects Human Rights Education Department .....	21,820.38 €
Library .....	168,720.27 €
Communications Department .....	295,417.97 €
National CRPD Monitoring Body .....	311,926.78 €
Third-Party funded Projects of the CRPD Monitoring Body .....	40,466.10 €
Expenses not assignable to the individual departments .....	984,825.09 €
<b>Total Expenditures .....</b>	<b>3,284,695.07 €</b>

Notes to the Annual Financial Statement:

In 2012, the German Institute for Human Rights received 2,080,506.85 euros in institutional funding through the Federal Government. It receives this basic, non-earmarked funding each year. This is intended to ensure the financing of the Institute as an independent National Human Rights Institution in compliance with the Paris Principles of the United Nations. The Federal Ministry of Justice contributes 33 percent of this amount, while the Federal Ministry for Economic Cooperation and Development (BMZ) and the Federal Foreign Office each contribute 23 percent, and the Federal Ministry of Labour and Social Affairs (BMAS) 21 percent. The funding supplied by the BMAS is used for financing the National CRPD Monitoring Body. This funding was included under Federal Grants for the first time in 2012. In previous years the Institute received it as project-related funding.

The item **"Miscellaneous Income"** includes income generated by federal grants (523,585.61 euros), income derived from commissions from third parties (584,052.77 euros) and income from various other sources. A legal aid fund of the Foundation "Remembrance, Responsibility and Future" is financed with **Income from Third-Party Funding** (earmarked for purpose specific purposes).

Federal grants were used for example to fund the support research work for the UN Special Rapporteurs on the right to safe drinking water and sanitation (Catarina de Albuquerque) and on freedom of religion or belief (Heiner Bielefeldt). In 2012, the German Institute for Human Rights also received funding from the BMZ for two research projects, one on children's rights and the other on business and human rights, as well as funding from the BMAS's Xenos programme "Integration and Diversity" and from the European Social Fund for qualifying lawyers in human rights and diversity. The Federal Foreign Office funded a needs and

risks analysis for the promotion of national human rights institutions in Tunisia and Egypt, and the BMZ funded the human rights analysis for the Civil Code programme in Cambodia. The Berlin Monitoring Body for the implementation of the UN CRPD is based at the Institute.

The income from commissions from third parties consists of project funding from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ, German Association for International Development) ("Implementing A Human Rights-Based Approach in Development Policy", consultation for the Peruvian Ministry of Justice), the European Fundamental Rights Agency (reporting to the FRANET network), the Foundation "Remembrance, Responsibility and Future" ("Inclusion as a Human Right" and "Forced Labour Today"), the Ise Bosch Dreilinden gGmbH ("LGBTI Rights in Development Cooperation"), the Federal Agency for Civic Education (stipend) as well as the human rights education project "Sheroes" in the EU's Daphne programme. The Institute would sincerely like to thank all sponsors for supporting its work.

The overview of the expenses shows how much funding was available to each of the Institute's departments for their work. The Human Rights Education Department's expenditures were unusually low in 2012 due to changes in its management and the fact that a few posts were vacant for several months. The item "Expenses not assignable to the individual departments" includes among other things the Institute's running costs such as rent, utilities, office supplies, as well as the costs of supra-institutional activities and the work of the Board of Directors and the Administration.

The Financial Report of the German Institute for Human Rights is examined by an auditor appointed by the Board of Trustees; it is incumbent on the Annual General Meeting to approve the actions of the Board of Directors.

Institutional allocations from the Federal Government through:



Federal Ministry of Justice



Federal Ministry of Labour and Social Affairs



Federal Foreign Office



BMZ



Federal Ministry for Economic Cooperation and Development

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